

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-2523 of 2019
Date of Decision: April 01, 2019.

Mukhtiar Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE AJAY TEWARI.

Present: Ms.Nimrata Kaur, Advocate, for
Mr.Sunil Agnihotri, Advocate, for the petitioners.
Mr.Ramandeep Sandhu, Senior DAG, Punjab.

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Ajay Tewari, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0027 dated 19.02.2017, registered under Sections 323/324/34 IPC at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 21.01.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0027 dated 19.02.2017 registered under Sections 323/324/34 IPC at Police Station Mukerian, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Mr. Pawan Sharda, Sr. DAG, Punjab accepts notice on behalf of the respondent No.1-State. Mr.Vishal Munjal, Advocate has entered appearance on behalf of respondents No.2 and 3.

Learned counsel for the petitioners undertakes to supply two copies of the petition to the learned opposite

counsel during the course of the day.

To come up on 25.02.2019. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 28.01.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Mukerian dated 16.02.2019 has been received wherein it has been mentioned that :-

“Thus, after going through the statements of the parties, it is reported that the compromise is genuine, voluntary and without any coercion or undue influence. As per the statements of the parties and police report, it is also reported that FIR No.27 dated 19.02.2017 under Sections 323, 323, 34 UPC, PS Mukerian, District Hoshiarpur is registered against the accused Mukhtiar Singh and Rupinder Kaur and no case is registered against the accused Surjit Singh and Daljit Kaur. It is further reported that no proclamation proceedings are pending against either party. The report is hereby submitted for kind consideration and further necessary action, please.”

Learned Senior Deputy Advocate General has also accepted

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them. Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners. Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

April 01, 2019
mohinder

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No