

264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.3375-2019 (O&M))
Date of Decision : 7.3.2019

Hardev Singh Petitioner
Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.L.S.Sidhu, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. P.B.S.Goraya, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.76 dated 21.4.2016, under Sections 279/427/506/34 IPC registered at Police Station City Tarn Taran, District Tarn Taran and all other consequent proceedings on the basis of compromise.

On 24.1.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.76 dated 21.04.2016 registered under Sections 279/427/506/34 IPC at Police Station City Tarn Taran, District Tarn Taran 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, Ms.Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the

respondent No.1-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned State counsel during the course of the day. He further undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

To come up on 07.03.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 06.02.2019 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 Chief Judicial Magistrate, Tarn Taran dated 6.2.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between is genuine and without any undue influence or coercion. No criminal proceedings against any of the party to the petition is pending.

Learned State Counsel has also accepted this fact.

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

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 FIR No.76 dated 21.4.2016, under Sections 279/427/506/34 IPC registered at Police Station City Tarn Taran, District Tarn Taran and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No