

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.3078 of 2019 (O&M)
Date of Decision : 26.03.2019

Makbul @ Pappi Masih & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Anil Kumar, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Vikram Singh, 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.119 dated 12.10.2015 under Sections 326/324/323/34 IPC at Police Station Dhariwal District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 23.01.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.119 dated 12.10.2015 registered under Sections 326, 324, 323, 34 IPC at Dhariwal, District Gurdaspur 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. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab accepts notice on behalf of the respondent No.1. Mr. Ranjit Singh, Proxy Counsel for Mr. Vikram Singh, Advocate has entered appearance on behalf of respondent No.2. Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 12.03.2019. Meanwhile, the parties are directed to be present before the trial Court on the date fixed i.e. 12.02.2019 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, Gurdaspur dated 22.02.2019 has been received wherein it has been mentioned that :-

“i) As all the parties to the petition have appeared for recording their statements therefore, it appears that compromise is genuine, valid and without any pressure or coercion in any manner.

ii) As per the statement of Investigating Officer no other case is pending against either of the parties.

Iii) As per statement of Investigating Officer none of the persons involved in this case/dispute has been declared Proclaimed Offender.”

Learned Senior Deputy Advocate General 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 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.

26.03.2019

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No