

C.R.M-M No.3419-2019 (O&M)
Date of Decision : 03.05.2019

..... Petitioners

..... Respondents

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.30 dated 17.05.2015 registered under Sections 420/465/467/468/120-B IPC at P.S. Sadar Ahmedgarh, District Sangrur 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. Mr. Harsh Raheja, 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 01.03.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 31.01.2019 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 Judicial Magistrate 1st Class, Malerkotla dated 20.04.2019 has been received wherein it has been mentioned that :-

“..... the undersigned is of the opinion that parties have entered into compromise genuinely, voluntarily, without any coercion or without any greed.”

Learned State counsel on instructions from ASI Vijender Singh has 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.

03.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No