

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 264

Criminal Miscellaneous No.M-3672 of 2019
Date of Decision: May 22, 2019

Monu & others

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE AJAY TEWARI**

. . .

PRESENT: - Mr. Sanjiv Gupta, Advocate, for the petitioners.

Mr. Ramandeep Sandhu, Senior Deputy Advocate
General, 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.91 dated 24.09.2016 under Sections 452, 294, 506, 323, 355, 148, 149 IPC registered at Police Station, Naya Gaon, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

At the very outset, learned State counsel points out that on the date, he had mentioned that there were 17 accused persons whereas it has been wrongly recorded as seven. Consequently, the same stands corrected.

Learned counsel for the petitioner states that he would have no objection. He is not pressing for quashing with regard to other persons but only qua petitioners where the compromise has been effected.

On 31.01.2019, the following order was passed:-

“This petition has been filed for quashing of the FIR on the basis of the compromise.

Notice of motion for 20.3.2019.

On the asking of the Court, Ms. Amarjit Kaur Khurana, DAG Punjab accepts notice on behalf of respondent No.1. Counsel for the petitioner undertakes to hand her over a copy of the petition during the course of the day.

Let respondent No.2 be served by way of dasti process.

The parties through their counsel are directed to appear before the trial Court on 20.2.2019 or on any other case as fixed by the trial Court, who will record their statements with regard to the compromise on the said date or on any other convenient date. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report, along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing.”

Thereafter, the report of the Additional District & Sessions Judge, SAS Nagar (Mohali) dated 22.02.2019 has been received wherein it has been mentioned that:-

“.....On the basis of the above statements, this Court is of the view that the compromise has been voluntarily executed between the parties and same does not appear to be result of any inducement, threat or promise to any party from any quarter.”

Learned Senior Deputy Advocate General, Punjab, on instructions of ASI Sikander Singh, has also accepted this fact.

The Supreme Court in **Gian Singh vs. State of Punjab & 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 petitioner.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

May 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No