

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5230 of 2019 (O&M)
Date of Decision : 16.5.2019

Rinku Kumar

..... Petitioner

Versus

State of Punjab & others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Jaideep Verma, Advocate for the petitioner.

Ms.Amarjit Kaur Khurana, DAG Punjab.

Mr.Himanshu Chhabra, 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.262 dated 6.8.2017 under Sections 381 and 411 IPC registered at Police Station Focal Point, Ludhiana, Punjab and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 13.2.2019, the following order was passed :-

“To come up on 24.4.2019. Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 15.3.2019 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 proceeding is pending against either of the parties before the next date of hearing.

Counsel for the petitioner states that the petitioner has jumped the bail granted to him in this case.

Let the petitioner now appear before the Court on 15.3.2019 and the Court shall release him on bail and then record his statement.”

Thereafter, the report of Chief Judicial Magistrate, Ludhiana dated 2.4.2019 has been received wherein it has been mentioned that the accused Rinku Kumar appeared in that Court on 15.3.2019 and he was released on bail and from the statements of the complainants and accused persons, compromise appears to be genuine, voluntarily, out of free will and without any coercion or undue influence.

Learned Senior Deputy Advocate General, Punjab has also accepted this fact.

The Supreme Court in **Gian Singh Versus 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 petitioner.

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

16.5.2019

Meenu

Whether speaking/reasoned

Whether Reportable :

(AJAY TEWARI)

JUDGE

Yes/No

Yes/No