

245 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.5667 of 2019 (O&M)
Date of Decision : 28.05.2019**

Sukhchain Singh & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Gopal Singh Nahel, Advocate
 for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Ms. Sandeep Kaur Randhawa, 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.12 dated 12.01.2019 under Sections 452/323/148/149 IPC at P.S. Lehra, District Sangrur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 06.02.2019 the following order was passed :-

“By filing this petition, quashing of FIR No.12 dated 12.1.2019 under Sections 452,323,148,149 IPC registered at Police Station Lehra, District Sangrur and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab accepts notice on behalf of respondent-State whereas Ms. Sandeep Kaur Randhawa, put

in appearance for respondent No.2-complainant.

List on 27.3.2019.

In the meantime, the parties shall appear before the Trial Court/Illaq Magistrate on 25.2.2019 to get their statements recorded in respect of the compromise. Thereafter, on the basis of the statements so recorded, the Trial Court is requested to send its report regarding the genuineness of the compromise, preferably a week before the next date of hearing.”

Thereafter, the report of the Sub-Divisional Judicial Magistrate, Moonak dated 06.03.2019 has been received wherein it has been mentioned that :-

“From the statements of the complainant party and accused, it is evident that the matter has been voluntarily compromised between the parties with the free consent of complainant without any pressure or undue influence and the compromise is genuine.”

Learned State counsel on instructions from Investigating Officer 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.

28.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No