

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.4730 of 2019 (O&M)
Date of Decision : 26.03.2019

Gurjant Singh @ Gurjant Singh Hundal

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ankit Kharbanda, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Minkal Thatai, 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.0058 dated 24.06.2018 under Section 336 IPC at Police Station Kamboj, Amritsar Rural and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 01.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.58 dated 24.06.2018 registered under Section 336 of IPC at Police Station Kamboj, Amritsar Rural 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, Deputy Advocate General, Punjab,

accepts notice on behalf of the respondent No.1. Counsel for the petitioner undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day. Counsel for the petitioner further undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

To come up on 26.03.2019. Meanwhile, the parties are directed to be present before the concerned C.J.M/Illaq Magistrate on 22.02.2019 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 Judicial Magistrate 1st Class, Amritsar dated 13.03.2019 has been received wherein it has been mentioned that :-

“I am satisfied that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. There is no other criminal case or proclamation proceeding is pending against either of the parties.”

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 petitioner.

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