

258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.5723-2019 (O&M)
Date of Decision : 03.05.2019

Bharpur Singh & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. N.S.Dandiwal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. I.S.Dhaliwal, 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.113 dated 29.10.2017 under Section 3 of SC & ST (Prevention of Atrocities), Act, 1989 at Police Station Badhni Kalan, District Moga and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 07.02.2019 the following order was passed :-

“By filing this petition, quashing of FIR No.113 dated 29.10.2017 under Sections 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Badhni Kalan, District Moga (Annexure P-1), has been sought on the basis of compromise dated 10.11.2017 (Annexure P-2).

Notice of motion.

Ms. Sunint Kaur, AAG, Punjab, who is present in the Court today, accepts notice on behalf of respondent No.1-State. Mr. Kuldeep Singh Saini, Advocate accepts notice on behalf of respondent No.2.

List on 25.03.2019.

In the meanwhile, the parties shall appear before the trial Court/Illaq Magistrate on 25.02.2019 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, preferable a week before the next date of hearing.”

Thereafter, the report of the Additional District & Sessions Judge, Moga dated 03.04.2019 has been received wherein it has been mentioned that :-

“..... In the light of statements suffered by complainant Jagjit Singh, it is apparent that he had entered into compromise qua present FIR with accused without any inducement, threat, promise, undue, pressure, coercion, fear, undue influence and out of his free will. He further categorically stated that he has no objection in case FIR No.113 dated 29.10.2017, U/s 3 of SC&ST (Prevention of Atrocities) Act, 1989, registered at P.S. Badhni Kalan, in question be quashed by Hon'ble High Court.”

Learned State counsel on instructions from ASI Pritam 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