

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.5934 of 2019 (O&M)
Date of Decision : 29.03.2019

Gagan Bajaj

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Karmanjot Kaur, 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.19 dated 30.07.2018 under Section 420 IPC at Police Station Talwandi Bhai, District Ferozepur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 08.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.19 dated 30.07.2018 registered under Section 420 IPC at Police Station Talwandi Bhai, District Ferozepur 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 respondent No.1. Ms. Karmanjot Kaur, Advocate has entered appearance on behalf of respondent No.2.

Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 29.03.2019. Meanwhile, the parties are directed to be present before the concerned C.J.M./Illaqa Magistrate on 01.03.2019 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 Classs, Ferozepur dated 20.03.2019 has been received wherein it has been mentioned that :-

“it comes out that parties on both sides have compromised the matter without any pressure and out of their free Will. There seems to be no inducement or influence on the parties in arriving at the compromise. Therefore their compromise seems to be voluntary, genuine one and without any coercion or undue influence as they wish to live in peace and harmony. As per the statement of the Investigating Officer in the present case, there was no other person arrayed as an

accused except petitioner Gagan Bajaj nor any proceedings for declaring any person proclaimed offender have been initiated in the afore mentioned FIR.”

Learned State counsel on instructions from ASI Baljinder 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 petitioner.

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

29.03.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No

Yes/No