

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

C.R.M-M No.6041-2019 (O&M)
Date of Decision : 19.3.2019

Gurpreet Singh@ Gora and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vikas Arora, Advocate
 for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Mohit Kumar, 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.114 dated 11.10.2012, under Sections 323, 341, 365, 427, 148, 149 IPC registered at Police Station Nurpur Bedi, District Rupnagar and all other consequential proceedings arising therefrom on the basis of compromise.

On 8.2.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.114 dated 11.10.2012 registered under Sections 323, 341, 365, 427, 148, 149 IPC 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. Mr. Mohit Threja, Advocate has entered appearance on behalf of respondent No.2.

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

To come up on 05.03.2019. Meanwhile, the parties are directed to be present before the trial Court on the date fixed which is stated to be 11.02.2019 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.

A copy of this order be given to the counsel for the petitioners under the signatures of the Bench Secretary.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Sri Anandpur Sahib dated 16.2.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise has been effected genuinely, voluntary and without any coercion or undue influence. Further, many other cases are also

pending against the accused persons.

Learned Sr. DAG has accepted these facts.

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 FIR No.114 dated 11.10.2012, under Sections 323, 341, 365, 427, 148, 149 IPC registered at Police Station Nurpur Bedi, District Rupnagar and all consequential proceedings arising therefrom are quashed qua the petitioners.

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

(**AJAY TEWARI**)
JUDGE

19.3.2019

anuradha

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No