

142 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6748-2019 (O&M)

Date of Decision : 3.5.2019

Navneet Sood @ Naina Sood

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kaushal Garg, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. M.S.Rana, 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.10 dated 21.8.2018, under Sections 448 IPC registered at Police Station NRI, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise.

Pursuant to the order dated 3.4.2019, deposit has been made.

On 14.2.2019 the following order was passed :-

“Learned counsel refers to Annexure P-2 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.10 dated 21.08.2018 (Annexure P-1) under Section 448 of the Indian Penal Code registered at Police Station NRI, District SAS Nagar on the basis of compromise dated 10.01.2010 (Annexure P-2).

Notice of motion for 03.04.2019.

Mr. M.S. Rana, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 12.03.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

Thereafter, the report of the JMIC 1st class Dera Bassi dated 2.4.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested the fact that a compromise has indeed taken place between them and that the compromise between the parties is genuine, valid and without any undue pressure or threat from any one and neither any P.O. proceedings are pending against the accused.

Learned 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 above said FIR and all consequential proceedings arising therefrom are quashed qua the petitioner.

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

3.5.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No