

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

**C.R.M-M No.7673 of 2019 (O&M)
Date of Decision : 11.04.2019**

Anmol Singh & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Sushma Chopra, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.22 dated 05.02.2017 under Sections 341/379-B/294/506/149 IPC at Police Station Dhaka, District Ludhiana Rural and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 26.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.22 dated 05.02.2017 registered under Sections 341, 379-B, 294, 506, 149 IPC at Police Station Dhaka, Ludhiana 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, DAG, Punjab accepts notice on behalf of respondent No.1-State. Counsel for the petitioners undertakes to supply a copy of the petition to the learned State counsel during the course of the day. Counsel for the petitioners further undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

To come up on 11.04.2019. Meanwhile, the parties are directed to be present before the concerned CJM/Illaq Magistrate on 14.03.2019 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 Class, Ludhiana dated 14.03.2019/08.04.2019 has been received wherein it has been mentioned that :-

“a) From the statements of the parties, who had appeared in this Court and had suffered the aforesaid statements, it appears that the complainant Parminder Singh and rest of the accused named in the FIR namely Anmol Singh, Beant Singh, Gurpreet Singh and Davinder Singh have, in fact, entered into a compromise, which is voluntary in nature and is free from any coercion, pressure or threat. However, in view of the fact that accused Gagandeep Singh, who is arrayed as applicant No.2 in the petition before the Hon'ble High Court, had not

appeared in this Court for recording his statement, no such observation, or, report can be submitted qua the genuineness of the compromise, if any, between him and the complainant Parminder Singh.

b) From the information so received by this Court in shape of statement of ASI Surjit Singh, as per information available in the police station of P.S. Dakha, cases bearing FIR No.175 of 2009, FIR No.51 of 2015, FIR No.224 of 2016, FIR No.150 of 2018, FIR No.91 of 2017 were lying registered against the accused Gurpreet Singh. As per his statement, FIR No.88 of 2015, FIR No.51 of 2015, FIR No.229 of 2016 and FIR No.313 of 2018 were lying registered against accused Davinder Singh @ Kala @ Lala. Not only that, FIR No.321 of 2015 & FIR No.229 of 2016 were also lying registered against accused Anmol Singh and a case bearing FIR No.183 of 2011 was lying registered against accused Beant Singh, at police station of P.S Dakha, in addition to the instant FIR No.22 of 05.02.2017. However, no proclamation proceedings, or, any other proceedings was pending against any of the parties. ”

Learned Senior Deputy Advocate General, Punjab on instructions from HC Jarnail Singh has also accepted this fact. He further states that Section 379-B has been deleted. Though one of the accused could not appear because apparently he is in custody in another case yet the complainant has appeared and stated that he has compromised the matter with all the accused. The report also states that though there are many cases pending against the petitioners yet they have not been convicted in any case nor are they declared as proclaimed offender.

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.

11.04.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No