

255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.11645 of 2018 (O&M)
Date of Decision : 24.01.2019

Manni Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.S.Gill, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Ishan Sharma, Advocate
for respondents No. 2 to 4.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.12 dated 15.1.2018, under Sections 307, 323, 148, 149 IPC registered at Police Station Division No.1, Police Commissionerate Ludhiana on the basis of compromise and all other consequential proceedings arising therefrom.

On 25.09.2018 the following order was passed :-

“Mr. Ishan Sharma, Advocate has put in appearance on behalf of respondent No. 4 and filed memo of appearance.

The statements of petitioner and respondents No. 2 and 3 have been recorded. Petitioner and respondent No. 4 are directed to appear before the Illaqa Magistrate/Duty Magistrate on 17.11.2018 or on any other date convenient to the Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the Court. In the event of their statements

being recorded, the Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;*
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- (iii) whether any other proceeding is pending against the accused/petitioners.*

Learned Magistrate will also record the statement of respondent No. 4 and send copy of the same with his report for 24.01.2019.”

Thereafter, the report of the JMIC 1st class Ludhiana dated 6.6.2018 and 05.1.2019 have 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 with their free consent and without any inducement or threat of any person and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

On instructions from ASI Karamjit Singh, learned State Counsel has also accepted this fact and informed that proceedings under Section 307 IPC was subsequently deleted.

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.

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.

24.01.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No