

C.R.M-M No.13069 of 2018 (O&M)
Date of Decision : 14.01.2019

Versus

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Ms.Amarjit Kaur Khurana, DAG, Punjab.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 39 dated 12.09.2016, under Sections 323/324/148/149 IPC (Section 326 added later on), registered at Police Station, Old Shalley District Gurdaspur on the basis of compromise.

“This is a petition for quashing of FIR on the basis of compromise.

At this stage Mr.Neeraj Yadav, Advocate has appeared on behalf of respondents No.2 and 3 and accepts notice on their behalf. He states that the matter has been compromised between the parties.

Under the circumstances, the parties are directed to appear before learned trial Court within one month from today and the trial Court is to record the statements of the affected

persons i.e. complainant and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The trial Court is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by 19.7.2018.”

Thereafter on 19.07.2018 the following order was passed :-

“Learned counsel for respondents no. 2 and 3 submits that complainant could not appear before the trial Court because of his ill health and requests for one more adjournment.

Request is allowed.

Parties may appear before the trial Court on 28.08.2018 or any other date convenient to it in terms of order dated 28.03.2018.

List on 22.10.2018.”

Thereafter, the report of the Chief Judicial Magistrate, Gurdaspur dated 01.05.2018 and 16.08.2018 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 executed voluntarily and without any pressure and no accused has been declared as proclaimed offender.

Learned Deputy Advocate General has also 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 the petitioners.

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

14.01.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No