

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.9332 of 2019 (O&M)
Date of Decision : 11.04.2019

Lovepreet Singh

..... Petitioner

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Impinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. N.S.Dandiwal, Advocate
for respondents No.2 & 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.202 dated 01.11.2018 under Sections 458/324/323/427/148/149 IPC at Police Station Bagha Purana, District Moga and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 28.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.202 dated 1.11.2018 registered under Sections 458, 324, 323, 427, 148, 149 IPC at Police Station Bagha Purana, District Moga 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 the respondent No.1 and Mr. N.S.Dandiwal, Advocate has entered appearance on behalf of the respondents No.2 and 3.

Counsel for the petitioner undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

To come up on 11.4.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 14.3.2019 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 Sub Divisional Judicial Magistrate, Baghapurana dated 26.03.2019 has been received wherein it has been mentioned that :-

“.....having recorded the statements of the parties and after orally inquired from them, this court is of the considered opinion that accused is facing the trial and as per report received from the concerned police station, no accused has been declared proclaimed offender in this case. Further submitted that statements of the parties have been recorded separately with regard to the genuineness and validity of the

compromise and compromise effected between the parties is genuine and valid. ”

Learned Senior Deputy Advocate General, Punjab on instructions from HC Amarjit Singh 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 petitioner.

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