

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

C.R.M-M No.15866-2018 (O&M)

Date of Decision : 7.3.2019

Gurdhir Singh alias Dhira

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.K.Singla, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Ms. Kashish Garg, 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.52 dated 9.7.2013, under Sections 295-A, 120-B IPC and Section 66 of Information Technology Act, 2000 registered at Police Station Balianwali, District Bhatinda and all other consequent proceedings on the basis of compromise.

On 23.4.2018 the following order was passed :-

“This Court vide CRM-M-45266-2016 decided on 18.7.2017 quashed FIR No.52 dated 9.7.2013 registered under Sections 295-A, 120-B Indian Penal Code qua Ashwani Kumar. Notice of motion for 12.7.2018.

On the asking of this Court, Ms. Rajni Gupta, Sr. DAG, Punjab, who is present in Court, accepts notice on

behalf of the State. Learned counsel for the petitioner undertakes to supply a complete set of the paperbook to the learned State counsel during the course of the day.

Mr. Kashish Garg, Advocate, has appeared for respondent No.2 and filed his power of attorney which is taken on record.

In the meantime, parties are directed to appear before the learned trial court/Illaqa Magistrate on 9.5.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through fax, for compliance.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Phul (Duty) dated 16.5.2018 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 voluntarily and no proceedings regarding P.O are pending before this Court.

Learned State Counsel 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 FIR No.52 dated 9.7.2013, under Sections 295-A, 120-B IPC and Section 66 of Information Technology Act, 2000 registered at Police Station Balian Wali 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.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No