

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

296

C.R.M-M No.10030 of 2019 (O&M)
Date of Decision : 30.04.2019

Sanjay Kumar Aggarwal and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Neeraj Malhotra, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Vivek Sharma, Advocate
for respondent Nos.2 & 3.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.193 dated 02.12.2015, registered under Sections 420, 120-B IPC at Police Station Sadar Ludhiana, District Ludhiana City on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 05.03.2019, the following order was passed:-

“ Notice of motion for 23.4.2019.

Mr. Vivek Sharma, Advocate, appears on his own and has filed vakalatnama on behalf of respondents No.2 and 3 in Court today. The same is taken on record. Office to tag the same at the appropriate place.

Petitioners are directed to deposit Rs.15,000/- as a precondition for recording the statements, out of which Rs.14,000/- shall be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and `1,000/- with the Bar Association, Punjab and Haryana High Court. They can also deposit the aforesaid amount of `14,000/- with the PGIMER online through its website "www.pgimer.edu.in" and produce the receipt duly verified by their counsel. Thereafter, parties shall appear before the concerned trial Court/Illaq Magistrate after having the receipt of amount of Rs.15,000/- as above, who shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

To be shown in the urgent list."

Thereafter, costs have been paid and the report of the Judicial Magistrate Ist Class, Ludhiana dated 14.04.2019 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

The Hon'ble 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.

April 30, 2019
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No