

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R.M-M No.10805 of 2019 (O&M)
Date of Decision : 10.05.2019

Davinder Singh @ Binda

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.P.S. Mann, Advocate
for the petitioner.

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

Mr. Abhinav Sood, Advocate
for Mr. Gaurav Gurcharan Singh Rai, Advocate
for respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.240 dated 11.11.2018, registered under Sections 341, 324, 506 IPC (Section 326 IPC added later on) at Police Station Jamalpur, District Ludhiana and for quashing of cross-version recorded vide DDR No.21 dated 17.11.2018 registered under Sections 294, 341, 323, 506 IPC in the same FIR on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 14.03.2019, the following order was passed:-

“Learned counsel for the petitioner submits that statements of the parties were recorded before the Investigating Officer, however, still cancellation report has not been prepared. The factum of compromise has been affirmed by learned counsel appearing for respondent No.2. He submits that the compromise has been effected between the parties during pendency of the investigation.

To come upon 10.05.2019.

Meanwhile, parties are directed to be present before the Illaqa Magistrate on 01.04.2019 or any other date convenient to the Court for recording their statements with regard to the compromise. The Illaqa Magistrate 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 Illaqa Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The Illaqa Magistrate is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

Meanwhile, respondent-State may also file reply.”

Thereafter, the report of the JMIC, Ludhiana dated 09.04.2019 has been received. In the report, he has mentioned that the aforesaid parties have appeared before him 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 a cross-case alongwith all consequential proceedings arising therefrom are quashed qua petitioner and respondent No.2.

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

May 10, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No