

248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.10846 of 2019 (O&M)
Date of Decision : 28.05.2019

Gulshan Masih & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. Vipin Mahajan, 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.117 dated 30.11.2018 under Sections 341/323/427/148/149 IPC at P.S. Kalanpur District Gurdaspur, Punjab and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 08.03.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.117 dated 30.11.2018 registered under Sections 341/323/427/148/149 IPC at PS Kalanaur , District Gurdaspur, Punjab 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 respondent No.1-State. Mr. Vipin Mahajan, Advocate has entered appearance on behalf of respondent No.2.

Learned counsel for the petitioners undertakes to supply two copies of the petition to the learned opposite counsel during the course of the day.

To come up on 26.04.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 29.03.2019 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 Judicial Magistrate 1st Class, Gurdaspur dated 05.04.2019 has been received wherein it has been mentioned that :-

“From the statements of the parties, it appears to the Court of undersigned that the parties have entered into compromise without any pressure, coercion, undue influence and same has done with the free consent of the parties.

Further, as directed by the Hon'ble High Court, report regarding the accused was also sought from the SHO of concerned police station, who has reported that no person has been declared proclaimed person and neither any proclamation proceedings are pending against any of the

above said accused and neither any criminal case has been registered against them.”

Learned State counsel on instructions from Investigating Officer 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 petitioners.

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

28.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No