

C.R.M-M No.20869-2018 (O&M)
C.R.M.-M No.20857-2018 (O&M)

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

Date of Decision : 20.2.2019

C.R.M-M No.20869-2018 (O&M)

Ravi Bansal and another Petitioners

Versus

Sahil Garg and another Respondents

C.R.M.-M No.20857-2018 (O&M)

Darshan Lal Garg and othersPetitioners

Versus

Ravi Bansal and another ..Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

AJAY TEWARI, J. (Oral)

These petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No. 213 dated 28.11.2016, under Sections 336 IPC and 25, 27 of Arms Act, 1959 and cross FIR No.212 dated 28.11.2016 under Sections 148, 149, 323, 427, 452, 506 IPC registered at Police Station City Muktsar Sahib and all other consequent proceedings on the basis of compromise.

On 11.10.2018 the following order was passed :-

“It is submitted that no fire arm has been used. From the record, it is transpires that one of the accused was armed with a revolver but it was never used. Learned State counsel still wants to file status report.

Adjourned to 13.12.2018.

Status report be filed in the meantime.

However, the parties are directed to appear before the learned trial Court/Illaqa Magistrate on 12.11.2018 and to get recorded their statements regarding compromise. The learned trial Court/Illaqa Magistrate is directed to send the report regarding the genuineness of compromise on or before the date fixed.

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

Photocopy of this order be placed on the connected case file.”

Thereafter, the reports of the Chief Judicial Magistrate, Sri Muktsar Sahib dated 23.1.2019 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 with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at a eliminate bitterness and acrimony between the parties.

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, these petitions are allowed and the above said FIRs and all consequential proceedings arising therefrom are quashed qua the petitioners.

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

20.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No