

252 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.21361-2018 (O&M)  
Date of Decision : 11.04.2019

Jaspreet Singh & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present: Mr. Ravi Chadda, Advocate  
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Kuljit Singh Bal, Advocate  
for respondent No.2.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.157 dated 24.07.2017 under Sections 323/324/353/186/148/149 IPC at Police Station Tanda, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 16.01.2019 the following order was passed :-

*“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.157 dated 24.07.2017 registered under Sections 323/324/353/186/148/149 IPC at Police Station Tanda, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.*

*To come up on 27.02.2019.*

*Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 30.01.2019 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 1<sup>st</sup> Class, Dasuya dated 05.04.2019 has been received wherein it has been mentioned that :-

*“.....keeping in view the statements of the parties as well the earlier report of the undersigned, this Court is of the considered opinion that a genuine compromise has been effected between the petitioners and the respondents No.2 & 3 (in the petition pending before the Hon'ble High Court). It is further submitted that no other case and proclamation proceedings are pending either of the parties in PS Tanda. ”*

Learned Senior Deputy Advocate General, Punjab on instructions from HC Gurcharan Singh 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.

**11.04.2019**

*Pooja sharma-I*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No