

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision : 2.5.2019

CRM-M-11986-2019 (O&M)

Anjali and others

...Petitioners

vs.

State of Punjab and others

...Respondents

CRM-M-11472-2019 (O&M)

Mohinder Pal and another

...Petitioners

vs.

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Tarun Sharma, Advocate for
Mr. R.S.Bajaj, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Gaurav Gaur, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This common order shall dispose of abovesaid two petitions as
they emerge from the same FIR.

CRM-M-11986-2019

This has been filed under Section 482 Cr.P.C. for quashing of FIR No.66 dated 1.4.2018, under Sections 452, 324, 34 IPC, at P.S. Division No.5, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise.

On 14.3.2019 the following order was passed :-

“The prayer in the present petition is for quashing of FIR on the basis of compromise.

Notice of motion.

On asking of the Court, Ms. Bhavna Gupta, DAG, Punjab accepts notice on behalf of respondent No.1. Mr. Vipin Kumar Sharma, Advocate, who is present in the Court, accepts notice on behalf of respondents No.2 to 4 and affirms the factum of compromise. He has filed his Vakalatnama on behalf of respondents No.2 and 3 in the Court today, which is taken on record. He undertakes to file his Vakalatnama on behalf of respondent No.4 on the next date of hearing. Copies of the petition be supplied to them during course of the day.

To come upon 12.04.2018.

Meanwhile, parties are directed to be present before the Illaqa Magistrate/trial Court on 29.03.2019 or any other date convenient to the Court for recording their statements with regard to the compromise. The Illaqa Magistrate/trial 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 Illaqa Magistrate/ trial Court 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/trial Court 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 1st class Jalandhar dated 10.4.2019 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 and that the compromise has been effected genuinely and it is effected voluntarily without any pressure coercion or undue influence from any quarter and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned DAG has accepted these facts.

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 the petitioners.

CRM-M-11472-2019

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in abovementioned FIR.

In view of the allowing of the connected quashing petition bearing **CRM-M-11986-2019** on the basis of compromise, the instant petition stands dismissed as infructuous.

Since both the cases are disposed of, the pending criminal miscellaneous applications, if any, also stand disposed of as such.

2.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No