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

C.R.M-M No.27384 of 2018 (O&M)
Date of Decision : 14.01.2019

Sandeep Nehra @ Sandeep Kumar
and others ..... Petitioners

Versus

State of Punjab and others ..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Ms. Navneet Kaur, Advocate for
Mr. G.S.Nahel, Advocate
for the petitioners.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

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AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.209 dated 01.12.2017, under Sections 341/323/295/427/148/149 IPC, registered at Police Station Sadar Dhuri, District Sangrur on the basis of compromise.

On 05.07.2018 the following order was passed :-

"Learned counsel for petitioners submits that the matter has since been amicably settled on the basis of compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. R.S. Sidhu, Advocate has put in appearance on behalf of respondents no. 2 and 3 and endorses the submissions of learned counsel for petitioners.

Parties may appear before the trial Court/Illaqa Magistrate on 17.08.2018 or on any other date convenient to the trial Court/Illaqa Magistrate and get their statements

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recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court/Illaqa Magistrate will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioners are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioners.

Report of trial Court/Illaqa Magistrate be awaited for 15.10.2018."

Thereafter, the report of the Judicial Magistrate 1st Class, Dhuri dated 12.09.2018 has been received whereby he has mentioned that the complainant-Harnam Singh and other accused person 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 executed voluntarily and without any pressure or coercion and no other proceedings is pending against the accused.

Learned Deputy Advocate General 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.

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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.

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

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No

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