

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

254

CRM-M-27897-2018

Date of Decision : 21.2.2019

Surjit Singh and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. DPS Jaura, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

None for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.115 dated 19.06.2016 under Sections 323, 324, 34 IPC, registered at Police Station Maur, District Bathinda and all other consequent proceedings on the basis of compromise.

On 09.07.2018, the following order was passed :-

*“Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties. Learned counsel for the petitioners relies upon **Sube Singh and another Versus State of Haryana and another 2013(4) RCR (Criminal) 102.***

Notice of motion for 17.09.2018.

At this stage, Mr. Vikram Singh Narwal, Advocate, has put in appearance on behalf of respondents No.2 & 3 and filed his vakalatnama, which is taken on record. He admits the factum of

compromise entered between the parties. The parties are directed to appear before the Appellate Court for recording their respective statements with regard to compromise/settlement on 02.08.2018. The Appellate Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:- (i) Number of persons arrayed as accused in FIR; (ii) Whether any accused is proclaimed offender; and (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Thereafter, the report of the Additional District & Sessions Judge, Bathinda dated 13.08.2018 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 voluntarily without any duress threat or promise. No accused is proclaimed offender in that case.

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, 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.

21.2.2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No