

248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.27118 of 2017 (O&M)
Date of Decision : 12.03.2019

Subhash Kumar @ Kala & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Himanshu Jain, Advocate for
Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for other respondents.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.343 dated 03.10.2015 under Sections 452/382/323/506 IPC registered at Police Station Civil Lines, Amritsar City and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 17.05.2018 the following order was passed :-

“It is jointly stated by learned Counsel for the petitioners as well as respondent No.2, who is present in person and duly identified by H.C. Rajinder Kumar, that the matter has been compromised between the parties.

Learned State Counsel, on instructions from H.C. Rajinder Kumar, stated that investigation of the case is still pending.

In view of above, parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 29.05.2018 and to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is requested to submit a report to this Court on or before the next date of hearing containing the following information:-

- 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.*

List before this Court on 10.07.2018 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter.”

Thereafter on 03.10.2018 the following order was passed :-

“Though in terms of order dated 17.05.2018, the parties were required to appear before the Illaqa Magistrate/trial Court on 29.05.2018 to get their statements recorded with regard to compromise, but a communication dated 14.06.2018 has been received from learned Chief Judicial Magistrate, Amritsar to the effect that no party has come forward to record their statements regarding compromise in the Court on 29.05.2018.

Learned counsel for the petitioners seeks one more opportunity to get the statements of parties recorded.

Accordingly, parties are afforded one more opportunity to get their statements recorded and they are directed to appear before Illaqa Magistrate/trial Court on 15.11.2018 or any date convenient to the court for getting the statements of parties recorded with regard to compromise, in terms of order dated 17.05.2018 passed by this Court. However, that would be subject to payment of costs of ₹5,000/- by the petitioners to be deposited with the High Court Legal Services Committee. The

deposit of costs with the Legal Services Committee shall be a condition precedent for recording the statements of the parties.

List on 29.01.2019.”

Thereafter on 29.01.2019 the following order was passed :-

“Counsel for the petitioner has stated that statement still could not be recorded and costs were not paid and prays for one more opportunity to do the same.

At request last opportunity is granted to deposit the costs and for recording the statement of parties with regard to compromise before Trial Court/Illaq Magistrate on 12.2.2019 or any date convenient to the Court. To come up on 12.3.2019. Trial Court/Illaq Magistrate is directed to send its report before the next date of hearing.”

Pursuant to the order dated 29.01.2019 costs have been deposited.

Thereafter, the report of the Chief Judicial Magistrate, Amritsar dated 18.02.2019 has been received wherein it has been mentioned that from the statements of the parties, it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine.

Learned Senior Deputy Advocate General, Punjab 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

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 petitioner.

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

12.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No