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C.R.M-M No.27271-2017 (O&M)

Versus

C.R.M-M No.27391-2017 (O&M)

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CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Ramandeep Singh, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

1. This common order shall dispose of abovesaid two petitions as common facts are involved there in.
2. Petition bearing **C.R.M-M No.27271-2017** has been filed for quashing of the impugned order dated 27.1.2001 vide which petitioner was

declared proclaimed offender in FIR No.119 dated 30.5.1998, under Sections 324/323/506/34 IPC registered at Police Station Tanda, District Hoshiarpur.

3. Petition bearing **C.R.M-M No.27391-2017** has been filed under Section 482 Cr.P.C. for quashing of FIR No.119 dated 30.5.1998, under Sections 324/323/506/34 IPC registered at Police Station Tanda, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise.

4. On 9.10.2018 the following order was passed :-

“As per report of the learned Judicial Magistrate Ist Class, Dasuya, complainant did not appear before the trial Court/Illaqa Magistrate for recording his statement. One more opportunity is granted for recording his statements.

List on 15.12.2018.

In the meantime, parties are directed to appear before the learned trial Court/Illaqa Magistrate on 12.11.2018 and to get recorded their statements regarding compromise in terms of order dated 14.03.2018 and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through fax, for compliance.

Photocopy of this order be placed on the file of connected case.”

5. Thereafter, the report of the JMIC 1st class Dasuya dated 1.3.2019 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 with their free consent and without any influence, coercion and the same is genuine and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused in any other case except the present case.

6. Learned State Counsel on instructions from ASI Satpal, P.S. Gardhiwala, Hoshiarpur has also accepted this fact.

7. 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.

8. 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.

9. Consequently, both the petitions are allowed. The FIR No.119 dated 30.5.1998, under Sections 324/323/506/34 IPC registered at Police Station Tanda, District Hoshiarpur and all consequential proceedings arising therefrom are quashed qua the petitioner and the impugned order dated 27.1.2001 vide which petitioner was declared proclaimed offender is set aside.

10. Since the main cases have been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

18.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No