

C.R.M-M No. 30882 of 2018 (O&M)

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

C.R.M-M No. 30882 of 2018 (O&M)

Ram Lal and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

C.R.M-M No. 30876-2018(O&M)
Date of Decision : 07.05.2019

Harbhajan and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Sharma, Advocate
for petitioners in CRM-M-30882-2018 and
for respondents no.2 and 3 in CRM-M-30876-2018.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Rajesh Bhatheja, Advocate
for respondent No.4 in CRM-M-30882-2018
and for the petitioners in CRM-M-30876-2018.

AJAY TEWARI, J. (ORAL)

Since both the aforementioned Criminal Misc. Petitions are arising from the common FIR, therefore, are being decided by the common judgment.

The present petitions have been filed for quashing of FIR No.45

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dated 24.03.2017, registered under Sections 324,323,506,148 and 149 IPC (Section 325 IPC added lateron) at Police Station Goraya, Police District Jalandhar Rural, Distt. Jalandha and for quashing of cross-case registered vide DDR No.41 dated 24.03.2017 under Section 323,341,506/34 IPC, Police Station Goraya, Distt. Jalandhar in above mentioned FIR No.45 dated 24.03.2017 on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 29.03.2019, the following order was passed in CRM-M-30822-2019:-

“ To come up on 23.04.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 09.04.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The 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 Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.”

Thereafter, the report from Judicial Magistrate Ist Class, Phillaur dated 20.04.2019 has been received. In the report, she has mentioned that in compliance of order of this Court passed in CRM-M-30876-2018 to be heard along with CRM-M-30882-2018, the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

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The Hon'ble 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, both these petitions are allowed and the above said FIR and all consequential proceedings arising therefrom including the cross case registered in the impugned FIR are quashed qua petitioners.

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

07.05.2019
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(AJAY TEWARI)
JUDGE

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