

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.31246-2018 (O&M)
Date of Decision : 5.3.2019

Harpreet Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Pushpinder Kaur, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Meharpreet Khera, Advocate
for respondents No. 2 and 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.12 dated 12.4.2016, under Sections 379/379-B/323/506/148/149 IPC and Section 3 (x) Prevention of Atrocities of Scheduled Caste and Scheduled Tribes Act registered at Police Station Ajnala and summoning order dated 12.10.2016 and all other consequent proceedings on the basis of compromise.

On 30.1.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of complaint No.12 dated 12.4.2016 registered under Sections 379/379-B/323/506/148/149 IPC and Section 3 (x) Prevention of Atrocities of Scheduled Caste and Scheduled Tribes Act

and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Mr. Mahakpreet, Advocate has entered appearance on behalf of the respondent No.2.

To come up on 5.3.2019. It is stated that the complaint is now pending for 4.2.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 4.2.2019 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 of the Additional Sessions Judge, Amritsar dated 5.2.2019 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 voluntarily and without any coercion or undue influence and parties have rendered the statements before the Court out of their free will and volition. Further, neither any case nor any proclamation proceedings is pending against the accused persons.

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 complaint No.12 dated 12.4.2016, under Sections 379/379-B/323/506/148/149 IPC and Section 3 (x) Prevention of Atrocities of Scheduled Caste and Scheduled Tribes Act registered at Police Station Ajnala and summoning order dated 12.10.2016 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.

5.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No