

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

**C.R.M-M No.31466 of 2018 (O&M)
Date of Decision : 30.01.2019**

Jeevan @ Jeemu

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab.

Mr. Saurabh Kapoor, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.102 dated 10.9.2014, under Sections 381/34 IPC (411 IPC added later on) IPC registered at Police Station Pau, District Ludhiana on the basis of compromise and all other consequential proceedings arising therefrom.

On 26.07.2018 the following order was passed :-

“Heard.

Learned counsel for the petitioner submits that during the pendency of trial, the matter has since been amicably settled vide compromise, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Parvez Chugh, Advocate through Mr. Saurabh Kapoor, Advocate has put in appearance on behalf of

*respondent No.2 and filed
power of attorney.*

*Parties may appear before the trial Court on 31.08.2018
or on any other date convenient to the trial Court and get their
statements recorded with regard to the compromise. The
original compromise shall be produced before the trial Court.
In the event of their statements being recorded, the trial Court
will send copies of the same to this Court with its report:*

- (i) regarding genuineness and voluntary nature of the
compromise;*
- (ii) whether all the accused/petitioner are appearing before the
Court or are on bail; and*
- (iii) whether any other proceeding is pending against the
accused/petitioner.*

Report of trial Court be awaited for 29.10.2018.”

Thereafter, the report of the JMFC 1st class Ludhiana dated 14.9.2018 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 and that the compromise has been effected with their free consent and without any coercion and pressure of any person and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

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 petitioner.

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

30.01.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No