

311 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.31594-2018 (O&M)

Date of Decision : 20.2.2019

Resham Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for respondents No. 2 to 5.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.101 dated 24.6.2013, under Sections 452/325/323/148/149 IPC and 25 of Arms Act, 1959, registered at Police Station Makhu, District Ferozepur and all other consequent proceedings on the basis of compromise.

On 27.7.2018 the following order was passed :-

“Prayer in the instant petition filed under Section 482 Cr.P.C. Is for quashing of the FIR along with all consequential proceedings therefrom on the basis of compromise entered into between the parties.

Notice of motion.

At this stage, Ms. Harpinder Kaur Sandhu, Advocate, has put in appearance on behalf of respondent Nos.2 to 5 and filed her power of attorney, which is taken on record. She admits the factum of compromise.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 29.08.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties, on or before the next date of hearing containing the following information as well:

- (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 on 22.10.2018.”*

Thereafter, the report of the Judicial Magistrate 1st Class, Zira dated 4.10.2018 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 with free will, without coercion and pressure and the compromise and the terms of the settlement are genuine. No accused is proclaimed offender in that case.

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 the above said FIR 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.

20.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No