

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

**C.R.M-M No.16227 of 2019 (O&M)
Date of Decision : 27.05.2019**

Rai Bahadur Singh & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Piyush Khanna, Advocate
 for the petitioners.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Deepak Kundu, 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.194 dated 09.12.2008 under Sections 420/465/471/468/120-B IPC at P.S. Tanda, Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 08.04.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.194 dated 9.12.2008 registered under Sections 420, 465, 471, 468, 120B IPC at Police Station Tanda, Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion.

On the asking of the Court Ms. Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the respondent No.1 and Mr. Deepak Kundu, Advocate has entered appearance on behalf of the respondent No.2.

Counsel for the petitioners undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

To come up on 13.5.2019. Meanwhile, the parties are directed to be present before the Appellate Court on 11.4.2019 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 Addl. District & Sessions Judge, Hoshiarpur dated 12.04.2019 has been received wherein it has been mentioned that :-

“From the statements of the parties recorded in the Court, it is clear that the parties have entered into compromise with the intervention of their relatives and respectables, voluntarily without any threat, coercion or pressure from any side and the compromise is genuine one.

XXX

There is no other criminal proceedings, pending between parties. There is no proclaimed offender in this case. Case

was registered against four accused, out of whom accused namely Ujjagar Singh s/o Bela Singh has died and proceedings against him have been abated.”

Learned State counsel on instructions from Investigating Officer 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 petitioners.

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

27.05.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No