

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

C.R.M-M No.33433-2018 (O&M)
Date of Decision : 7.5.2019

Amandeep @ Aman @ Amandeep Sharma Petitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. H.R.Bhardwaj, Advocate
 for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. N.S.Chahal, 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.61 dated 18.5.2017, under Sections 308, 341, 323, 148, 149, 427 IPC and Section 379-B and 120-B IPC added later on registered at Police Station City Raikot, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise .

Counsel for the petitioner states that Section 308 IPC has been wrongly invoked because at one stage it was opined that injuries were simple in nature. I find this to be indeed so.

On 3.10.2018 the following order was passed :-

“The prayer in the present petition is for quashing of FIR on the basis of compromise.

Adjourned to 03.12.2018.

Meanwhile, parties are directed to be present before the trial Court on 22.10.2018 or any other date convenient to the Court for recording their statements with regard to the compromise. The trial 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 trial Court is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O. Proceedings against the parties.

Meanwhile, respondent-State may also file reply.”

Thereafter, the report of the Addl. Sessions Judge, Ludhiana dated 5.11.2018 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 voluntary, valid and genuine and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned DAG on instructions from ASI Harpreet Singh P.S.City Raikot has accepted these facts.

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.

7.5.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No