

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 258

Criminal Miscellaneous No.M-34651 of 2018
Date of Decision: May 22, 2019

Ajit Singh & another

..... PETITIONERS

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE AJAY TEWARI**

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PRESENT: - Mr. M.S. Kathuria, Advocate, for the petitioners.

Mr. Ramandeep Sandhu, Senior Deputy Advocate
General, Punjab.

Mr. Aniket Singh Chauhan, 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.77 dated 04.07.2018 under Section 306 IPC, registered at Police Station, Koom Kalan, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 10.04.2019, the following order was passed:-

“To come up on 15.05.2019.

Meanwhile, the parties are directed to be present before the CJM/Illaq Magistrate on 24.04.2019 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 Judicial Magistrate Ist Class, Ludhiana, dated 24.04.2019 has been received wherein it has been mentioned that:-

“.....A careful perusal of the report of the Ahlmad, statements of parties and the record reveals that in FIR no.77 dated 4.7.2018 there is one complainant namely Jaswinder Singh and there are three accused namely Ajit Singh, Jarnail Singh and Sukhwinder Singh. From the statements of parties, it appears that the compromise is genuine one and the statements of parties are not the result of any pressure, undue influence or coercion in any manner. The compromise is valid and as per statements of parties and there is no proclamation proceedings is pending against either of the parties.”

Learned Senior Deputy Advocate General, Punjab, on instructions, has also accepted this fact.

The Supreme Court in **Gian Singh vs. State of Punjab & 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 petitioner.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

May 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No