

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.36065-2018 (O&M)
Date of Decision : 5.3.2019

Lovejeet Singh and another Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Nishan Singh Chahal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Manu R. Bhardwaj, Advocate for
Mr. V.S. Mahal, 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.80 dated 8.7.2010, under Sections 353, 186, 379, 120B IPC registered at Police Station Sadar Kotkapura, District Faridkot and all other consequent proceedings on the basis of compromise.

On 23.8.2018 the following order was passed :-

“Notice of motion.

At this stage, Mr. Viranjeet S. Mahal, Advocate, has appeared and filed vakalatnama on behalf of respondent No.2. On the asking of the Court, Mr. Pawan Sharda, Sr. DAG, Punjab, has accepted notice on behalf of respondent(s)-State. Copies of the paper book along with documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 20.09.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.25.10.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

Thereafter, the report of the Chief Judicial Magistrate, Faridkot dated 26.9.2018 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 the compromise is genuine, voluntary and without any kind of pressure.

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 FIR No.80 dated

8.7.2010, under Sections 353, 186, 379, 120B IPC registered at Police Station Sadar Kotkapura, District Faridkot 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.

5.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No