

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.17841 of 2019 (O&M)
Date of Decision : 27.05.2019

Raj Kumar

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Piyush Gagneja, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Harpal Singh, 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.0086 dated 16.12.2018 under Sections 279/337/338/427 IPC at P.S. Sadar, Abohar, District Fazilka and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 22.04.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0086 dated 16.12.2018 registered under Sections 279/337/338/427 IPC at P.S. Sadar, Abohar, District Fazilka 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. Mr. Harpal Singh, Advocate has entered appearance on behalf of respondent No.2. Counsel for the petitioner undertakes to supply a copy of the petition to the learned opposite counsel during the course of the day.

To come up on 27.05.2019.

Meanwhile, the parties are directed to be present before the Illaqa Magistrate on 06.05.2019 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 1st Class, Abohar dated 08.05.2019 has been received wherein it has been mentioned that :-

“The petitioner/accused as well as complainant named above in their respective statements have stated that now the matter has been compromised between them with the intervention of the panchayat. So, in view of the statements of complainant as well as accused, it is quite evident that the compromise has been effected between the complainant and accused voluntarily without any threat or coercion or undue influence in any manner and it appears to be valid & genuine. In view of the statement suffered by IO ASI Dayal Chand no criminal case and proclamation proceedings is pending

against either of the parties. There is no other criminal case pending between the parties.”

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 petitioner.

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