

**CRM-17218-2019 in/and
C.R.M-M No.37827 of 2018 (O&M)
Date of Decision : 23.05.2019**

..... Petitioners

..... Respondents

Mr. Vivek Sethi, Advocate and
Mr. Mohit Paul, Advocate
for the non-applicants-petitioners.

CRM-17218-2019

On the asking of the Court, Ms.Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the non-applicant-respondent-State and Mr. Vivek Sethi, Advocate and Mr. Mohit Paul, Advocate accepts notice on behalf of the non-applicants-petitioners and copy of the application has been supplied to them in the Court itself. Both the counsel state that they

have no objection if the application is allowed.

For the reasons recorded, the application is allowed and the main case is taken up today.

Main case

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.63/2017 dated 02.04.2017 under Section 420 IPC at Police Station Phase-1, SAS Nagar, Mohali and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 04.04.2019 the following order was passed :-

“Reply dated 04.04.2019 filed by way of affidavit of Ashwini Gotyal IPS, Assistant Superintendent of Police City-I, District SAS Nagar (Mohali) on behalf of State is taken on record in CRM-M-37827-2018. Copy supplied to the counsel opposite.

Learned senior counsel for the petitioners states that these petitions would now not have to be decided on merits since the matters have been compromised between the parties.

Counsel for the complainant has accepted this fact.

Learned State counsel on instructions from SI Pritpal Singh has very fairly stated that in case this is so then all these petitions would have to be decided in accordance therewith.

To come up on 15.05.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 20.04.2019 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.

Photocopy of this order be placed on files of the connected cases.”

Thereafter, the report of the Chief Judicial Magistrate, SAS Nagar, Mohali dated 24.04.2019 has been received wherein it has been mentioned that :-

- “1. As per the report of the Ahlmad and statements of parties, no accused has been declared as Proclaimed Offender.*
- 2. It is submitted that as per the statement of both the parties, the compromise appears to be genuine, voluntary, and without any coercion or unde influence.*
- 3. As per the report of the Ahlmad and statements of parties, no proclamation proceedings or any other criminal case is pending against either of 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 petitioners.

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

**(AJAY TEWARI)
JUDGE**

23.05.2019

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No