

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.3809 of 2018 (O&M)
Date of Decision : 27.03.2019

Lakhbir Kaur & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.31 dated 07.06.2017 under Sections 324/323/506/148/149 IPC (later on added Section 326 IPC) at Police Station Kotli Surat Mallian, Police District Batala, District Batatla and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 30.01.2018 the following order was passed :-

“Prayer made in this petition is for quashing of FIR No.31 dated 07.06.2017 registered under Sections 324, 323,506, 148, 149 IPC (Section 326 IPC added lateron) at Police Station Kotli Surat Mallian, District Batala on the basis of compromise.

Notice of motion for 28.03.2018.

In the meanwhile, parties are directed to appear before the trial Court/Illaq Magistrate on 07.02.2018 and the trial Court/Illaq Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date.”

Thereafter, the report of the Judicial Magistrate 1st Class, Batala dated 09.02.2018 has been received wherein it has been mentioned that :-

“i. In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

ii. There are eight accused in the present FIR.

iii. It is submitted that the present FIR was registered against above named accused and no person has been declared as proclaimed person/offender till date. It is further submitted that complainant has compromised the matter with the accused mentioned above.”

Learned Senior Deputy Advocate General on instructions from HC Salman Singh 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.

27.03.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No