

**249-A IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**C.R.M-M No.18778 of 2019 (O&M)
Date of Decision : 28.05.2019**

Harpreet Singh @ Sunny

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Saurabh Garg, Advocate
 for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. Upender Prasher, 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.44 dated 15.04.2018 under Sections 406/420 IPC and Section 24 of Immigration Act at P.S. Chabbewal, District Hoshiarpur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 01.05.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.44 dated 15.4.2018 registered under Sections 406/420 IPC and Section 24 of Immigration Act at Police Station Chabbewal District Hoshiarpur 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 and Mr. Upender Prasher, Advocate has entered appearance on behalf of the respondent No.2 .

Counsel for the petitioner undertakes to supply requisite copy of the paper book to the opposite parties during the course of the day.

*To come up on 21.5.2019 alongwith **CRM-M-13056-2019**. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 6.5.2019 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, Hoshiarpur dated 10.05.2019 has been received wherein it has been mentioned that :-

“It is submitted that in view of the statement of the complainant Pardeep Singh and accused Harpreet Singh @ Sunny, this court is satisfied that compromise between the parties is genuine and voluntary and out of their free will.....report of SHO of P.S.Chabbewal was called, who submitted that in addition to the present FIR, one another FIR bearing No.45 dated 15.4.2018 U/S 406, 420 IPC P.S.Chabbewal stands registered against accused Harpreet

Singh @ Sunny. No proclamation proceedings are pending against the accused Harpreet Singh @ Sunny in the said FIR. It is further submitted that as per the report of Ahlmad, no proclamation proceedings are pending against either of the parties in this court.”

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.

28.05.2019

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No
Yes/No