

262                      **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-40657-2018(O&M)**

**Date of Decision : 20.5.2019**

Pushpinder Singh @ Pushpinder Singh Gill

..... Petitioner

Versus

State of Punjab and another

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present :     None for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 482 Cr.P.C. for quashing of cross case registered vide DDR No. 25 dated 29.3.2012 under Sections 323/325/452/506/148/149 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (prevention of atrocities ) Act, 1989 registered at Police Station Ghall Khurd in case bearing FIR No. 26 dated 11.3.2012 under Sections 307/324/323/341/382/148/149 IPC registered at Police Station Ghall Khurd and all other consequential proceedings arising therefrom on the basis of compromise.

On 23.1.2019 the following order was passed :-

*“This petition has been filed for quashing of the FIR on the basis of the compromise. The parties through their counsel are directed to appear before the Ilaqa Magistrate on 13.2.2019, who will record their statements with regard to the compromise on the said date or on any other convenient date. The Magistrate is directed*

*to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Magistrate is also directed to send a report, along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing.*

*Adjourned to 13.3.2019.”*

Thereafter, on 13.3.2019 the following order was passed :-

*“Counsel for the petitioner states that the parties could not record their statements.*

*At request last opportunity is granted for recording the statement of parties with regard to compromise before Trial Court/Illaq Magistrate on 02.04.2019 or any date convenient to the Court pursuant to the order dated 23.01.2019.*

*To come up on 01.05.2019. Trial Court/Illaq Magistrate is directed to send its report before the next date of hearing.”*

Thereafter, the report of the Addl. Sessions Judge, Ferozepur dated 29.4.2019 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 voluntarily without any inducement, pressure or threat and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Sr. DAG has accepted these facts.

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 cross case registered vide DDR and all consequential proceedings arising therefrom are quashed qua the petitioner.

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

**20.5.2019**

*anuradha*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No