

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.44868 of 2018 (O&M)
Date of Decision : 02.04.2019

Rajan Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arnav Kumar Sood, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Abhinav Jain, 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.0127 dated 19.03.2018 under Sections 420 IPC and 24 Immigration Act, at Police Station Salem Tabri, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 22.01.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.0127 dated 19.3.2018 registered under Sections 420 IPC and 24 Immigration Act at Police Station Slem Tabri, Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

To come up on 12.3.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 5.2.2019 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, Ludhiana dated 07.03.2019 has been received wherein it has been mentioned that :-

“.....that the compromise between the parties, whose statements have been recorded, is genuine and without any pressure and coercion. It is further submitted that no criminal case and proclamation proceedings are pending against either of the parties.”

Learned Senior Deputy Advocate General, Punjab on instructions from HC Sumair 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 petitioner.

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

02.04.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No