

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

Date of Decision : 03.04.2019

C.R.M-M No.45218 of 2018 (O&M)

Jasvir Singh @ Jassa @ M.P. & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

C.R.M-M No.45377 of 2018 (O&M)

Suraj Malhotra @ Leo

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Mansur Ali, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Tushaar Madan, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned two petitions.

Since common questions of law and facts are involved therein, they are

being decided by this common order.

Both the petitions have been filed under Section 482 Cr.P.C. for quashing of FIR No.0074 dated 09.07.2018 under Sections 420/406/120-B IPC and Section 13 of Punjab Travel Agent Professional Act at Police Station Subhanpur, District Kapurthala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 12.10.2018 the following order was passed :-

“Notice of motion.

Mr. Karanbir Singh, AAG, Punjab, who is present in Court has accepted notice on behalf of respondent(s)-State. Mr. Tushaar Madaan, Advocate has appeared and filed separate power of attorney on behalf of respondent No.2 in both the cases. Same are taken on record.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent Nos.2 state that compromise has been effected between the parties.

List on 12.12.2018.

Meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 13.11.2018. and to get recorded their statements regarding compromise. The learned trial Court/Illaq Magistrate is directed to send the report regarding the genuineness of compromise on or before the date fixed.

A copy of this order be sent to learned trial Court/Illaq Magistrate, through fax, for compliance.

A photocopy of this order be placed on the connected case file, numbered above.”

Thereafter, the reports of the Judicial Magistrate 1st Class, Kapurthala dated 15.11.2018/27.03.2019 have been received wherein it has been mentioned that :-

“.....it is clear from the statement of the complainant as well as accused that they have entered into compromise and solved their differences, without any pressure, threat or undue influence. As such, it is clear that the complainant as well as accused have entered into compromise voluntarily and the compromise is genuine..”

Learned Senior Deputy Advocate General 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 cases have been decided, the pending Criminal Misc. Applications, if any, also stand disposed of.

03.04.2019

pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No