

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

C.R.M-M No.4696 of 2018 (O&M)
Date of Decision : 06.02.2019

Satpal Pathela MC

..... Petitioner

Versus

State of Punjab and anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.K.Girdhar, Advocate
 for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Piyush Setia, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

On 05.02.2018 the following order was passed :-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.0001, dated 02.01.2018, registered under Sections 3, 4 and 3 (1) sub-Section (R) and sub-Section (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 of the IPC, at Police Station City Sri Muktsar Sahib (Annexure P-1) on the basis of a compromise dated 24.01.2018 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Sr. DAG, Punjab, accepts notice on behalf of respondent No.1. Counsel

for the petitioner undertakes to hand over a copy of the petition to him during the course of the day.

Mr. Piyush Setia, Advocate, accepts notice on behalf of respondent No.2-Sukhdev Singh and states that a compromise dated 24.01.2018 (Annexure P-2) has been entered into between the parties.

Counsel for the parties state that the investigation is still in progress and challan has not yet been presented.

*The parties are directed to appear before the Illaqa Magistrate/Trial Court at Sri Muktsar Sahib, on **20.02.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.*

The Illaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*To come up on **25.04.2018**.*

Copy of this order be sent to Illaqa Magistrate/Trial Court concerned for information and compliance.”

Thereafter, the report of the Chief Judicial Magistrate, Sri Muktsar Sahib dated 05.03.2018 has been received wherein it has been mentined that :-

“(i) Statement of the parties are bonafide and are not result of any pressure or coercion etc. in the manner.

(ii) The compromise arrived at between the parties is genuine and valid.

(iii) All the accused, complainant and injured are parties to the compromise.

(iv) FIR No.57 of 2015 under Sections 420/465/467/471 IPC P.S. Sadar, Sri Muktsar Sahib is pending against Sukhdev Singh in the Court of ACJM, Sri Muktsar Sahib. Except for this case no other case is pending against the parties or between them.

(v) None of the accused is declared proclaimed offender in this case.”

Learned Senior Deputy Advocate General, Punjab 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 the petitioner.

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

06.02.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No