

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.47148-2018 (O&M)
Date of Decision : 11.04.2019

Mohd. Izhar & ors.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Rujhan Dhawan , Advocate for
Mr. Karan Singla, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Karan Deep Singh, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of cross case/DDR No.18 dated 28.05.2017 at PS Basti Jodhewal, District Ludhiana registered under Sections 341/323/324/427/506/148/149 IPC in FIR No.187 dated 23.05.2017 under Sections 341/323/324/427/506/148/149 IPC at PS Jodhewal, District Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 28.02.2019 the following order was passed :-

“Mr. Karan Deep Singh, Advocate has entered appearance on behalf of the complainant (in both the cases).

To come up on 11.04.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 14.03.2019 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.

Photocopy of this order be placed on file of the connected case.”

Thereafter, the report of the Judicial Magistrate 1st Class, Ludhiana dated 09.04.2019 has been received wherein it has been mentioned that :-

“ 1. Report from SHO, PS Basi Jodhewal, Ludhiana was called as per which none of the accused is proclaimed offender in any case by any Court nor any other FIR is registered against accused.

2. The compromise appears to be genuine, voluntary and without any coercion or undue influence. ”

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 Cross case/DDR/FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

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

11.04.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No