

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.48360 of 2018 (O&M)
Date of Decision : 30.01.2019

Shashi Bala and another Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioners.

Mr. Pawan Sharda, Senior DAG, Punjab.

Mr. Davinder Kumar, 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.0193 dated 8.10.2018, under Sections 452, 323, 34 IPC registered at Police Station Canal Colony Bathinda, District Bhatinda on the basis of compromise and all other consequential proceedings arising therefrom.

On 31.10.2018 the following order was passed :-

“Prayer in this petition is for quashing of the FIR along with all consequential proceedings arising therefrom on the basis of compromise between the parties.

Notice of motion for 30.01.2019.

At this stage, Mr. Davinder Kumar, Advocate has put in appearance on behalf of respondent No.2 and accepts the factum of compromise effected between the parties. Memo of

Appearance filed on behalf of respondent No.2 is taken on record.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 04.12.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of the parties on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and,*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of the Additional Chief Judicial Magistrate, Bathinda dated 19.12.2018 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise is genuine, voluntarily and without any coercion or undue influence and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

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 petitioners.

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

30.01.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No