

**254-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.48430-2018 (O&M))
Date of Decision : 7.3.2019**

Surinder Kumar Dhir

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Aditya Pratap Singh, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Ms. Sumiti Arora, Advocate for
Mr. Ashutosh, 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.52 dated 9.7.2013, under Sections 295-A, 120-B IPC and Section 66 of Information Technology Act, 2000 registered at Police Station Balian Wali and all other consequent proceedings on the basis of compromise.

On 6.12.2018 the following order was passed :-

“Mr. Kashish Garg, Advocate present in court today and accepted notice on behalf of complainant/respondent No.2.

List on 07.03.2019.

In the meantime, the parties are directed to appear

before the learned trial court/Illaqa Magistrate on 08.01.2019 or any other date convenient to that court to get recorded their statements regarding compromise.

The trial court is directed to submit a report, before the next date of hearing as to whether the compromise is genuine, voluntary and without any coercion or undue influence.

A copy of this order be sent to learned trial court, through fax, for compliance.

Meanwhile, reply, if any, be filed in the Registry with an advance copy to counsel opposite.”

Thereafter, the report of the Judicial Magistrate 1st Class, Phul dated 8.1.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them voluntarily without any pressure, threat or coercion. No accused is proclaimed offender in this case.

Learned State Counsel 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 FIR No.52 dated 9.7.2013, under Sections 295-A, 120-B IPC and Section 66 of Information Technology Act, 2000 registered at Police Station Balian Wali 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.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No