

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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C.R.M-M No.48552 of 2018 (O&M)
Date of Decision : 21.05.2019

Rajwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. G.K. Mann, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Abhinav Singh, Advocate
for respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed for quashing of FIR No.153 dated 18.09.2017, registered under Sections 323, 324, 452, 427, 148, 149 IPC and Section 326 IPC (added later on) at Police Station Lopoke, District Amritsar on the basis of compromise effected between the parties alongwith all consequential proceedings arising therefrom.

On 01.02.2019, the following order was passed:-

“Learned counsel for the petitioner states that due to

unavoidable circumstances, the petitioners could not appear before the Illaqa Magistrate on 06.12.2018. They may do so before the next date of hearing.

Adjourned to 23.04.2019.

Meanwhile, Illaqa Magistrate/trial Court may submit its report in terms of order dated 01.11.2018 on or before the next date of hearing.”

Thereafter, the report of the Judicial Magistrate Ist Class, Ajnala dated 07.03.2019 has been received. In the report, she has mentioned that the aforesaid parties have appeared before her and has attested to the fact that a compromise has indeed taken place and that the compromise has been executed voluntarily and without any pressure.

Learned Sr. Deputy Advocate General on instructions from ASI Gurdev Singh has also accepted that compromise has indeed taken place between the parties and that the same has been executed voluntarily and without any pressure.

The Hon'ble 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 alongwith 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.

May 21, 2019
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No