

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.50965 of 2018 (O&M)
Date of Decision : 4.2.2019

Ajay and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rahul Verma, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. B.S.Bairagi, 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.0213 dated 28.9.2017, under Sections 452, 323, 34 IPC registered at Police Station Phase-I, Tehsil and District SAS Nagar, Mohali on the basis of compromise and all other consequential proceedings arising therefrom.

On 20.11.2018 the following order was passed :-

“Notice of motion.

On the asking of the Court, Mr. V.G.Jauhar, Senior DAG, Punjab, has accepted notice on behalf of respondent(s)- State. Mr. B.S.Bairagi, Advocate, has appeared and filed memo of appearance on behalf of respondent No.2. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

List on 04.02.2019.

Meanwhile, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 10.12.2018 and to get recorded their statements regarding compromise. The learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to learned trial Court/Illaq Magistrate, through fax, for compliance.”

Thereafter, the report of the Chief Judicial Magistrate, SAS Nagar, Mohali dated 20.12.2018 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them and that the compromise is genuine.

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.

4.2.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No