

257 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.52061 of 2018 (O&M)  
Date of Decision : 28.02.2019

Gopal Markan and others

..... Petitioners

Versus

U.T. Chandigarh and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. Amandeep Saini, Advocate  
for the petitioners.

Mr. Manish Jain, APP, U.T.,

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**AJAY TEWARI, J. (Oral)**

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.261 dated 11.08.2018 under Sections 323/341/147/148/149 IPC and Sections 25/24/59 of Arms Act registered at Police Station Sector 26, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 27.11.2018 the following order was passed :-

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

*Notice of motion for 28.02.2019.*

*Meanwhile, the parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on*

03.12.2018.

*The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of 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 Chandigarh dated 07.01.2019 has been received wherein it has been mentioned that the statements made by the parties are bonafide and not result of any pressure or coercion and compromise arrived at between the parties is genuine and valid. As per record, in the present case, there are only six accused none of the accused is proclaimed offender in the present case.

Learned Additional Public Prosecutor 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 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.

**28.02.2019**

*Pooja sharma-I*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned  
Whether Reportable :

Yes/No  
Yes/No