

**258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.52752 of 2018 (O&M)
Date of Decision : 28.02.2019**

Gurpal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Amandeep Singh, 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.0032 dated 22.02.2018 under Sections 379 B and 34 IPC registered at Police Station Cantonment, Police Commissionerate Amritsar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

At the very outset learned Senior Deputy Advocate General states that the petitioners No.2 & 3 are not nominated in the case and only petitioner No.1 alongwith 2 other co-accused is nominated. This fact has been reflected from the report also which records that otherwise the complainant has stated that he has compromised the matter.

On 29.11.2018 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.

At this stage, Mr. Amandeep Singh, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney, which is taken on record. He admits the factum of compromise entered between the parties

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 10.01.2019.

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 Judicial Magistrate 1st Class, Amritsar dated 22.01.2019 has been received wherein it has been mentioned that :-

“I have also inquired from the complainant and accused regarding the genuineness of the compromise regarding the fact that whether the compromise is out of their free will and I am satisfied that the said compromise is out of their free will and genuine in nature.”

Learned Senior Deputy Advocate General 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 petitioner No.1.

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

(**AJAY TEWARI**)
JUDGE

28.02.2019

Pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No