

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.53618-2018 (O&M)

Date of Decision : 7.3.2019

Vijay Kumar and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Sushma Sharma, Advocate for
Mr. Ramesh Sharma, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. Nitin Sharma, 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.326 dated 23.10.2007, under Sections 323, 324, 427, 506, 148, 149, 452 IPC registered at Police Station Nakodar, District Jalandhar and all other consequent proceedings on the basis of compromise.

On 5.12.2018 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 07.03.2019.

At this stage, Mr. Balbir Singh Jaswal, 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 23.01.2019.

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 Sub Divisional Judicial Magistrate, Nakodar dated 24.1.2019 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 voluntarily and there is no accused declared as proclaimed person in the present FIR.

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.326 dated 23.10.2007, under Sections 323, 324, 427, 506, 148, 149, 452 IPC

registered at Police Station Nakodar, District Jalandhar 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.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No