

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.7840 of 2018 (O&M)
Date of Decision : 5.2.2019

Harbans Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ashok Kumar Sama, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. V.P.S.Mithewal, Advocate
for respondents No.2 and 3.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.28 dated 20.2.2015, under Sections 420, 465, 467, 468, 471 IPC registered at Police Station Guruharsahai, District Ferozepur on the basis of compromise and all other consequential proceedings arising therefrom.

On 23.2.2018 the following order was passed :-

“This petition has been filed seeking quashing of FIR No.28 dated 20.02.2015, registered at Police Station Guruharsahai, District Ferozepur, for the alleged commission of an offence punishable under Section 420/465/467/468/471 IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondents no.2 and 3. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Bhupender Beniwal, AAG, Punjab, accepts notice on behalf of respondent no.1 and Mr. Jagjit

Singh Gill, Advocate, appears and accepts notice on behalf of respondents no.2 and 3, and does not deny the compromise.

A copy of the petition be handed to them during the course of the day.

Adjourned to 27.04.2018.

In the meanwhile, the petitioners, as also respondents no.2 and 3, would appear before the learned Area Magistrate up to 16.03.2018 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Guruhar Sahai dated 19.3.2018 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 has been effected without any coercion, undue influence and pressure, with the intervention of the respectable persons of the locality.

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.

5.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No