

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.61789-2018 (O&M)
Date of Decision : 5.3.2019

Amandeep Goyal

..... Petitioner

Versus

State of UT Chandigarh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.K.Handa, Advocate
for the petitioner.

Mr. Sukant Gupta, Senior Panel Counsel,
UT Chandigarh.

Mr. Ajay Shekhawat, 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.0045 dated 15.3.2014, under Sections 420 IPC registered at Police Station Sector-19, Chandigarh and all other consequent proceedings on the basis of compromise.

On 20.12.2018 the following order was passed :-

“Notice of motion for 5.3.2019.

Mr. Ajay Shekhawat, Advocate, has put in appearance on behalf of respondent No.2 and filed his power of attorney which is taken on record.

In the meantime, parties are directed to appear before the learned trial court/Illaq Magistrate on 18.1.2019 and to get

recorded their statements regarding compromise and after recording their statements, 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 the learned trial Court/Illaq Magistrate, through fax, for compliance.”

Thereafter, the report of the Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Chandigarh dated 23.1.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that compromise is genuine and has been effected between the parties voluntarily, without any pressure & coercion from any side and no person is proclaimed offender in the present case.

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 FIR No.0045 dated 15.3.2014, under Sections 420 IPC registered at Police Station Sector-19, Chandigarh and all consequential proceedings arising therefrom are quashed

qua the petitioner.

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

5.3.2019
anuradha

(AJAY TEWARI)
JUDGE

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