

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 254

Criminal Miscellaneous No.M-61665 of 2018 (O & M)
Date of Decision: April 22, 2019

Manish Kumar

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

. . .

PRESENT: - Mr. Lalit Singla, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Senior Deputy Advocate
General, Punjab.

Mr. Vijayveer Singh, Advocate, for respondent No.2.

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AJAY TEWARI, J (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.93 dated 21.03.2018 under Sections 420, 406, 467, 468, 471 IPC registered at Police Station Zirakpur (now Dhakoli), District SAS Nagar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 20.12.2018 the following order was passed:-

“Prayer in the present petition is for quashing of the
FIR on the basis of compromise.

Notice of motion.

On asking of the Court, Ms. Samina Dhir, DAG, Punjab, who is present in Court accepts notice on behalf of respondent No.2. Copy of the petition be supplied to her during course of the day.

Mr. Tejinder Kataria, Advocate, who is also present in Court puts in appearance on behalf of respondent No.2 and has affirmed the factum of compromise between the parties.

Meanwhile, parties are directed to be present before the trial Court on 11.2.2019 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report alongwith statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

To come up on 18.3.2019.”

Thereafter, the report of the Judicial Magistrate 1st Class, Dera Bassi dated 28.02.2019 has been received wherein it has been mentioned that:-

“From the perusal of above statements, it is seen that the complainant and accused, with the intervention of the respectables, have compromised the matter with each other. It is because of this reason, they with their own free will and without any threat or coercion got recorded their statements in the Court. The original compromise affidavit is reported to be presented before the Hon’ble High Court and photocopy of the same is Mark CX and they also placed on record photocopies of their Adhaar Cards. Separate statement of complainant has also been recorded to the effect that there is no civil or criminal case is pending between him and accused Manish Kumar. As per the case file in the case titled as “State Vs. Manish Kumar” there is only one accused namely Manish Kumar and he has not been declared P.O. in the present FIR. Therefore, I am satisfied that the compromise is genuine, voluntary and without any undue pressure or treat from anyone.”

Learned Senior Deputy Advocate General, Punjab, on instructions, has also accepted this fact.

The Supreme Court in **Gian Singh vs. State of Punjab & 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.

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

April 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No