

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.62114 of 2018 (O&M)
Date of Decision : 10.04.2019

Piara Singh & ors.

..... Petitioners

Versus

State of Punjab & ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. G.K.Mann, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Ms. Meharpreet Khehra, Advocate
for respondents No.2 to 4.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.88 dated 17.05.2018 under Sections 324/323/186/353/427/506/148/149 IPC (Sections 325/326 IPC added later on), at Police Station Dinanagar, District Gurdaspur and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 13.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.88 dated 17.05.2018 registered under Sections 324, 323, 186, 353, 427, 506, 148, 149 IPC and Sections 325/326 IPC (added later on) at Police Station Dinanagar, District Gurdaspur and all other

consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Learned Sr. Deputy Advocate General on instructions from ASI Nachhatar Singh states that apart from other issues the petitioners have also caused damage to the hospital property and further states that even if the FIR has to be quashed on the basis of compromise they should be asked to make good the damage.

To come up on 10.04.2019. Meanwhile, the parties are directed to be present before the C.J.M/Illaq Magistrate on 06.03.2019 or on any other date convenient to the Court for recording their statements with regard to compromise. The 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 Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case and proclamation proceedings is pending against either of the parties before the next date of hearing.

In the meantime, let a report about the damage which was caused be also furnished by the State.”

Thereafter, the report of the Chief Judicial Magistrate, Gurdaspur dated 18.03.2019 has been received wherein it has been mentioned that :-

“(i) As per statement of Investigating Officer, except present FIR, no other case is pending between them.

(ii) As per statement of Investigating Officer, none of the accused has been declared Proclaimed Offender in this case.

(iii) As all the parties to the petition have appeared for recording their statements therefore, it appears that the compromise is genuine, valid and without any pressure or coercion in any manner.”

Learned Senior Deputy Advocate General, Punjab on instructions from ASI Nachhatar Singh has accepted this fact. He has also informed the Court that the damage has been made good.

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 petitioners.

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

10.04.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No