

C.R.M-M No.64372 of 2018 (O&M)
Date of Decision : 18.3.2019

Versus

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Mr. Arshit Goel, Advocate for
Ms. Simmy, Advocate
for respondent No.2.

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.58 dated 3.8.2017, under Sections 279, 337, 338 IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib and all other consequential proceedings arising therefrom on the basis of compromise.

“The present petition has been filed under Section 482 Cr.P.C. for quashing of F.I.R. No.58 dated 3.8.2017 registered under Sections 279, 337, 338 IPC at Police Station

Badali Ala Singh, District Fategharh Sahib and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

To come up on 18.3.2019. Meanwhile, the parties are directed to be present before the Illaqa Magistrate/trial Court on 14.2.2019 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.”

Thereafter, the report of the Judicial Magistrate 1st Class, Fatehgarh Sashib dated 5.3.2019 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 them voluntarily, without any pressure and coercion and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned State Counsel on instructions from HC Ram Singh 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.58 dated 3.8.2017, under Sections 279, 337, 338 IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib 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.

18.3.2019

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No