

**264 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.64503 of 2018 (O&M)
Date of Decision : 20.5.2019**

Kuldeep Singh @ Dicky and another Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. S.S.Grewal, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None 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.18 dated 31.1.2017, under Sections 307, 458, 323, 148, 149, 506, 120-B IPC registered at Police Station Bajakhana, District Faridkot and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner states that Section 307 IPC is debatable since all the injuries are simple.

Learned Sr. DAG has accepted this fact.

On 25.3.2019 the following order was passed :-

“The present petition has been filed under Section 482

Cr.P.C. for quashing of F.I.R. No.18 dated 31.01.2017 registered under Sections 307, 458, 323, 148, 149, 506, 120-B IPC at Police Station Bajakhana, District Faridkot and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

Notice of motion. On the asking of the Court, Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent No.1. Counsel for the petitioners undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day. Counsel for the petitioners further undertakes to serve respondents No.2 & 3 by way of dasti process. May do so. Dasti only.

To come up on 25.03.2019 a/w CRM-M-44292/18. Meanwhile, the parties are directed to be present before the concerned C.J.M/Illaq Magistrate on 28.02.2019 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, on 25.3.2019 the following order was passed :-

“Learned Senior DAG states that copy of the paper book has not been supplied to him. Counsel for the petitioners undertakes to now supply a copy of the paper book to him.

Counsel for the petitioners states that statements were not recorded because as per him the complainant has been admitted to a Drug Rehabilitation Centre, Delhi.

To come up on 20.05.2019.

Meanwhile, the parties are directed to be present before the trial Court/Illaq Magistrate on 23.04.2019 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 JMIC 1st class Faridkot dated 3.5.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that the compromise between them is valid, voluntarily, genuine, without any pressure or coercion and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Sr. DAG has accepted these facts.

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.

20.5.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No