

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 262

Criminal Miscellaneous No.M-54768 of 2018
Date of Decision: May 22, 2019

Mehnga Singh & another

..... PETITIONERS

VERSUS

State of Punjab & another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE AJAY TEWARI**

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PRESENT: - Mr. Veneet Sharma, Advocate, for the petitioners.

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

Mr. Sandeep Sharma, 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.181 dated 06.10.2018 under Sections 326, 324, 323, 34 IPC registered at Police Station, Sadar Patti, District Tarn Taran and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 30.01.2019, the following order was passed:-

“The matter pertains to quashing of FIR No.181 dated 06.10.2018 registered under Sections 326, 324, 33, 34 IPC at Police Station Sadar Patti, District Tarn Taran, on the basis of compromise dated 21.11.2018 (Annexure P-2).

The parties are directed to appear before the trial Court/Illaq Magistrate on 01.03.2019 and get their statements recorded and thereafter the latter shall transmit its report to this Court regarding genuineness of compromise well before the next date of hearing.

Adjourned to 22.05.2019”

Thereafter, the report of the Sub Divisional Judicial Magistrate, Patti, dated 02.03.2019 has been received wherein it has been mentioned that:-

“.....I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one.....”

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.

May 22, 2019
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(Ajay Tewari)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No