

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc.-M-.38893 of 2018 (O&M)
Date of Decision: April 01, 2019.

Avtar Singh and another

.....Petitioners

versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE AJAY TEWARI.

Present: Mr.Ajay Pal Singh, Advocate, for the petitioners.

Mr.Ramandeep Sandhu, Senior DAG, Punjab.

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Ajay Tewari, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of DDR No.23 dated 12.02.2016, under Sections 323/341/324/148/149 IPC, P.S. Division No.5, District Jalandhar, lodged as cross case in FIR No.29 dated 11.02.2016 under Sections 323/341/149 IPC, P.S.Division No.5, Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 04.02.2019 the following order was passed :-

“The present petition has been filed under Section 482 Cr.P.C. for quashing of DDR. No. 23 dated 12.2.2016 registered under Sections 323/341/324/148/149/506 IPC at PS Division No.5, Jalahdhar, District Jalandhar lodged as a cross case in FIR No.29 dated 11.2.2016 under Sections 323/341/149 IPC registered at PS Division No.5, Jalandhar, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

To come up on 1.4.2019. Meanwhile, the parties are directed to be present before the CJM/Illaq Magistrate on 25.2.2019 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 First Class, NRI Cases, Jalandhar dated 12.03.2019 has been received wherein it has been mentioned that :-

“From the statements of the parties, the undersigned is of the opinion that compromise has been reached between complainant Kuldeep Singh and accused persons namely Avtar Singh and Uttamjit Kaur, voluntarily and without any pressure and the same is genuine. Neither any case is pending against the parties nor the persons involved in this case has been declared proclaimed offender. Hence, this report is submitted accordingly.”

Learned Senior Deputy Advocate General 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 above said DDR and 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.

April 01, 2019
mohinder

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No