

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

**CRM-1956-2019 in/and
C.R.M-M No.42762 of 2018 (O&M)
Date of Decision : 30.01.2019**

Bhavnesh Mahajan and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Baaghi, Advocate and
Mr. Sangeet Pal Singh, Advocate
for the petitioners.

Mr. Pawan Sharda, Senior DAG, Punjab.

Mr. Vishal Sharma, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

CRM-1956-2019

This is an application under Section 482 Cr.P.C for placing on record the petition with correct Section 468 of IPC in head note and para 2 of the petition.

For the reasons recorded the application is allowed and correct petition with correct Section 468 of IPC in head note and para 2 of the petition is placed on record.

Main Case

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.140 dated 14.7.2016, under Sections 419, 420, 465, 467, 471, 506, 468, 120-B IPC registered at Police Station Sahnewal, District Ludhiana on the basis of compromise and all other consequential proceedings arising therefrom.

On 28.09.2018 the following order was passed :-

“Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties.

Notice of motion for 10.12.2018.

At this stage, Mr. Vishal Sharma, Advocate, has put in appearance on behalf of respondent No.2 and filed vakalatnama, which is taken on record. He admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 01.11.2018.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;*
- (ii) Whether any accused is proclaimed offender; and*
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”*

Thereafter, the report of the JMIC 1st class Ludhiana dated 29.11.2018 has been received whereby he has mentioned that the parties

had appeared before him and had attested to the fact that a compromise has been effected between the parties voluntarily and compromise is genuine and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

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 petitioner.

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

(**AJAY TEWARI**)
JUDGE

30.01.2019

anuradha

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No