

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.44502 of 2018 (O&M)
Date of Decision : 28.02.2019

Ved Prakash

..... Petitioner

Versus

State of Punjab & anr.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sarbjit Singh Grewal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

Mr. J.S.Khillar, Advocate for
Mr. Akash Sethi, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.75 dated 17.09.2015 under Sections 279/337/338/427 IPC and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 05.12.2018 the following order was passed :-

“Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab, has accepted notice on behalf of respondent(s)- State. Mr. Akash Sethi, Advocate, has appeared and filed power of attorney on behalf of respondent No.2. Copies of the paper book alongwith documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial court/Illaq Magistrate on 20.12.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 28.02.2019.

A copy of this order be sent to learned trial court, through fax, for compliance.”

Thereafter, the report of the Judicial Magistrate 1st Class, Mansa dated 05.01.2019 has been received wherein it has been mentioned that the compromise entered into by the parties is held to be genuine, voluntary and without any coercion or undue influence.

Learned Senior Deputy Advocate General, Punjab 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 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.

28.02.2019

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No