

267 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

C.R.M-M No.29411-2018 (O&M)  
Date of Decision : 30.04.2019

Kamaljeet Kaur & anr.

..... Petitioners

Versus

State of Punjab & anr.

..... Respondents

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

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Present : Mr. J.S. Brar, Advocate  
for the petitioners.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

None 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.234 dated 22.09.2017 under Sections 420/406 IPC and Section 24 of Immigration Act, 1983 at Police Station City Kapurthala, District Kapurthala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties.

On 31.07.2018 the following order was passed :-

*“Prayer in the present petition is for quashing of FIR No.234 dated 22.09.2017 on the basis of compromise. The case is at the investigation stage.*

*Notice of motion.*

*On asking of the Court, Mr. C.L. Pawar, Sr. D.A.G., Punjab, who is present in the Court, accepts notice on behalf of respondent No.1- State.*

*Notice on behalf of respondent No.2/complainant has been accepted by Mr. Shivender Pal, Advocate, who has also affirmed the factum of compromise.*

*Adjourned to 03.10.2018.*

*Since this petition has been filed by the petitioners for quashing of the FIR on the basis of compromise, parties are directed to be present before the Illaqa/Duty Magistrate on 16.08.2018 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa/Duty Magistrate 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 Illaqa/Duty Magistrate is also directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any other case is pending against either of the parties or not before the next date of hearing. The Illaqa/Duty Magistrate is also directed to intimate with regard to pendency of any P.O proceedings against the parties.”*

Thereafter, the report of the Chief Judicial Magistrate, Kapurthala dated 25.09.2018 has been received wherein it has been mentioned that :-

*“.....none of the above said persons have disputed the factum of compromise having been effected between the petitioners and the respondent No.2. Compromise has been effected amicably, is genuine and without any threat, coercion or pressure   xx   xx   xx  
that no other criminal case is pending against the above said accused and neither any of the accused is declared as proclaimed offender nor any PO proceedings are being initiated in this present FIR case.”*

Learned State counsel on instructions from ASI Bhupinder Kumar states that the FIR can be quashed only qua the two petitioners and not all 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 petitioners.

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

**30.04.2019**

*Pooja sharma-I*

**( AJAY TEWARI )  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No