

C.R.M-M No.29349 of 2018 (O&M)

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

Date of Decision : 9.4.2019

C.R.M-M No.29349 of 2018 (O&M)

Jhumar Mal Jain and another

..... Petitioners

Versus

State of UT and another

..... Respondents

C.R.M-M No.23724 of 2018 (O&M)

Jhumar Mal Jain and another

..... Petitioners

Versus

State of UT

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vipul Sharma, Advocate
for the petitioner.

Mr. Lalit K. Gupta, Addl. PP, UT Chandigarh.

Mr. Amit Jaiswal, Advocate for
Mr. S.S. Siao, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This common order shall dispose of abovesaid two petitions as
the facts involved therein are same.

C.R.M-M No.29349 of 2018

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.121 dated 26.4.2018, under Sections 420, 120-B IPC registered at Police Station Industrial Area, Chandigarh and all other consequential proceedings arising therefrom on the basis of compromise.

On 16.07.2018 the following order was passed :-

“Prayer in the present petition is for quashing of FIR No.121 dated 26.04.2018 on the basis of compromise.

Notice of motion.

On asking of the Court, notice on behalf of respondent No.1- U.T has been accepted by Mr. Rajiv Vij, Advocate.

Notice on behalf of respondent No.2 has been accepted by Ms. Suman Nandal, Advocate.

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 trial Court on 31.07.2018 or any other date convenient to the Court for recording their statements with regard to compromise. The trial 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 trial Court 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 trial Court is also directed to intimate with regard to pendency of any P.O proceedings against the parties.

Adjourned to 10.09.2018.

Learned counsel for the petitioners is directed to supply two copies of the petition, each to learned counsel for respondent No.1 as well as learned counsel for respondent No.2 during course of the day.”

Thereafter report dated 26.7.2018 of Judicial Magistrate 1st class, Chandigarh has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a

compromise has indeed taken place between them and that the compromise has been effected with their free consent and neither any accused has been declared proclaimed offender nor P.O. proceedings are pending against the accused.

Learned Addl. PP, UT Chandigarh has accepted these facts.

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 petitioners.

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

CRM-M-23724-2018

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.121 dated 26.4.2018, under Sections 420, 120-B IPC registered at Police Station Industrial Area, Chandigarh.

In view of the allowing of the connected petition for quashing of the FIR No.121 dated 26.4.2018, under Sections 420, 120-B IPC registered at Police Station Industrial Area, Chandigarh bearing **C.R.M-M No.29349 of 2018** , the petition stands dismissed as infructuous.

Since the main case has been dismissed as infructuous, the pending criminal miscellaneous application, if any, also stands dismissed as such.

9.4.2019

anuradha

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No