

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

**Criminal Misc. No. M-385 of 2015
Date of Decision:-10.04.2015**

Mohammad Yasin and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Amjad Khan, Advocate
for the petitioners.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.101 dated 29.7.2014 (Annexure P-1), under Sections 452, 323, 148, 149, 506, 427, 120-B IPC, registered at Police Station Amargarh, District Sangrur on the basis of compromise dated 13.8.2014 (Annexure P-2).

Vide order dated 07.1.2015, this Court passed the following order :-

“Notice of motion for 13.11.2014.

On the asking of the Court, Mr. Deepak Garg, A.A.G. Punjab accepts notice on behalf of respondent No.1. Mr. Jatinder Nagpal, Advocate appears on behalf of respondents No.2 to 7. Counsel for the petitioners undertakes to hand her over a copy of the petition to counsel for the respondents during the course of the

day.

Since this petition filed by the petitioners is for quashing of the FIR on the basis of the compromise, parties through their counsel are directed to appear before the Chief Judicial Magistrate/Ilaqa Magistrate, Malerkotla on 9.2.2015 who will record their statements with regard to the compromise on the said date or on any other convenient date. The Magistrate, while recording statements, shall keep in mind that the statements are not as a result of any pressure or coercion in any manner. The Magistrate is 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 case is pending against either of the parties or not before the next date of hearing. The Magistrate is also directed to intimate with regard to pendency of any criminal proceedings against the parties.

Adjourned to 7.4.2015.”

In compliance of the order dated 07.1.2015, the parties have appeared before the learned Magistrate on 09.2.2015 for getting their statements recorded.

The report received from the learned Judicial Magistrate 1st Classs, Malerkotla, reveals that the compromise has been effected between the parties without any undue pressure or coercion.

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise for an

offence punishable under Section 452, 323, 148, 149, 506, 427, 120-B IPC and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)**, this petition is accepted and FIR No101 dated 29.7.2014 (Annexure P-1), under Sections 452, 323, 148, 149, 506, 427, 120-B IPC, registered at Police Station Amargarh, District Sangrur and the consequential proceedings arising therefrom are hereby quashed.

April 10, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE