

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

**Criminal Misc. No. M-8786 of 2015
Date of Decision:-22.04.2015**

Satish Mahajan and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manbir Singh Basra, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.76 dated 28.9.2014, under Sections 448, 427, 148, 149 and 283 IPC, registered at Police Station Kanwan, District Pathankot (Annexure P-1) on the basis of compromise dated 4.3.2015 (Annexure P-2).

Vide order dated 19.3.2015, this Court passed the following order :-

“Prayer in the petition is for quashing of FIR No.76 dated 28.9.2014, under Sections 448, 427, 148, 149 and 283 IPC, registered at Police Station Kanwan, District Pathankot (Annexure P-1) on the basis of compromise dated 4.3.2015 (Annexure P-2). Learned counsel for the petitioners further states that all the offences are bailable.

Notice of motion for 22.4.2015.

At thi stage, Mr. Ankit Duggal, Advocate puts in appearance on behalf of respondent No.2.

Learned counel for the parties state that the next date fixed before the trial Court is 25.3.2015 for appearance.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 25.3.2015 the date already fixed in the main case.

The Illaqa Magistrate/Trial Court is directed to submit a report 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.
- (iii) whether the compromise is genuine, voluntary and without any coercion or undue influence.”

In compliance of the order dated 19.3.2015, the parties have appeared before the learned Magistrate on 25.3.2015 and 30.3.2015 for getting their statements recorded.

The report received from the learned Chief Judicial Magistrate, Pathankot, reveals that the compromise has been effected between the parties without any undue pressure.

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 Sections 448, 427, 148, 149 and 283 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 dated 4.3.2015 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 No.76 dated 28.9.2014, under Sections 448, 427, 148, 149 and 283 IPC, registered at Police Station Kanwan, District Pathankot and the consequential proceedings arising therefrom are hereby quashed.

April 22, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE