

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

**Criminal Misc. No. M-10593 of 2016
Date of Decision:-23.11.2016**

Harpreet Singh @ Happy and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunil K. Dhanda, Advocate for
Mr. A.K. Bansal, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.158 dated 8.10.2015, under Sections 382, 324, 341, 323, 34 IPC, registered at Police Station Maur, District Bathinda (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 21.10.2015 (Annexure P-3).

Vide orders dated 29.3.2016 and 25.5.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 29.3.2016, the parties have appeared before the learned Magistrate on 11.7.2016 for getting their statements recorded.

The report dated 11.7.2016 received from the learned Sub Divisional Judicial Magistrate, Talwandi Sabo, reveals that the compromise has been effected between the parties without any undue pressure.

The statement of complainant Rashpal Singh before the SDJM, Talwandi Sabo has been recorded. As per statement, the complainant has stated that he has compromised the matter with the accused persons and has no objection if the FIR is quashed.

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

Heard.

Since the parties have entered into a compromise 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 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)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed

and FIR No.158 dated 8.10.2015, under Sections 382, 324, 341, 323, 34 IPC, registered at Police Station Maur, District Bathinda and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 23, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No