

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

**Criminal Misc. No. M-12090 of 2016
Date of Decision:-19.08.2016**

Bohar Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Siddharth Gupta, Advocate
for the petitioners.

Mr. Mikhail Kad, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of DDR No.24 dated 10.2.2015, under Sections 323, 324, 34 IPC, registered at Police Station Nahianwala, District Bathinda (Annexure P-2) in FIR No.25 dated 09.2.2015 (Annexure P-1), registered under Sections 452, 336, 323, 148, 149 IPC and Section 27 of the Arms Act, 1959 along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3).

Vide order dated 7.4.2016, this Court had directed the parties to appear before the 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 7.4.2016, the parties have

appeared before the learned Magistrate on 20.7.2016 for getting their statements recorded.

The report dated 21.7.2016 received from the learned Judicial Magistrate 1st Class, Bathinda, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Major Singh before the JMJC, Bathinda, on 20.7.2016 reads as under :-

“Stated that with the intervention of respectable persons and relatives a compromise has been effected between me and accused Bohar Singh, Kuldeep Singh, Jagsir Singh and Amrinder Singh and dispute has been amicably settled. Our compromise has been effected without any pressure and with my own free will. I am agree with the compromise. Now there is no dispute between me and accused party and DDR No.24 dated 10.2.2015, under Sections 323, 324, 34 IPC registered at Police Station Nehianwala, in FIR No.25 dated 09.2.2015 registered under Sections 452, 336, 323, 148 and 149 IPC, and Section 27 of Arms Act against accused persons may kindly be 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 DDR 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 DDR No.24 dated 10.2.2015, under Sections 323, 324, 34 IPC, registered at Police Station Nahianwala, District Bathinda (Annexure P-2) in FIR No.25 dated 09.2.2015 (Annexure P-1), registered under Sections 452, 336, 323, 148, 149 IPC and Section 27 of the Arms Act, 1959 and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 19, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No