

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

Criminal Misc. No. M-12444 of 2016

Date of Decision:-29.07.2016

Balwinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Sukhjot Singh, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

None for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.170 dated 29.12.2015, under Sections 336, 427 IPC, registered at Police Station Balachaur, District SBS Nagar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 11.4.2016, 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 11.4.2016, the parties have appeared before the learned Magistrate on 16.5.2016 for getting their

statements recorded.

The report dated 17.5.2016 received from the learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ajay Gogna before the SDJM, Balachaur, on 16.5.2016 reads as under :-

“I have come present as directed by Hon'ble Punjab and Haryana High Court vide order dated 11.4.2016 in CRM-M No.12444 of 2016 to get my statement recorded in FIR No.170 dated 29.12.2015 of P.S. Balachaur, Distt. S.B.S. Nagar.

I got registered FIR No.170 dated 29.12.2015, under Sections 336, 427 IPC, at P.S. Balachaur regarding the occurrence dated 27.12.2015 against unidentified persons. During investigation the police traced Balwinder Singh son of Sarwan and Jaspreet Singh son of Sucha Singh as accused in the aforesaid FIR.

With the intervention of respectable of locality and family members, a compromise has been effected between us. A separate compromise deed stands already tendered in Hon'ble High Court. I am making this statement voluntarily without any pressure. I have no objectionb if the FIR No.170 dated 29.12.2015 be quashed.

Apart from this case no other case is pending between us.”

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.170 dated 29.12.2015, under Sections 336, 427 IPC, registered at Police Station Balachaur, District SBS Nagar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No