

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

**Criminal Misc. No. M-12603 of 2016 (O & M)
Date of Decision:-08.08.2016**

Gurmail Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Aditya Pal Singla, Advocate
for the petitioners.

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

Mr. Sumit Sharma, Advocate
for respondents No.2 to 8.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.91 dated 17.6.2014, under Sections 326, 323, 324, 506, 148 and 149 IPC, registered at Police Station Bhawanigarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3) and affidavit of the complainant (Annexure P-2).

Vide order dated 12.4.2016, 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 12.4.2016, the parties have appeared before the learned Magistrate on 11.5.2016 for getting their statements recorded.

The report dated 12.5.2016 received from the learned Additional Chief Judicial Magistrate, Sangrur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by respondent No.6-complainant Amrik Singh before the learned Magistrate, on 11.5.2016 reads as under :-

“The matter has been compromised with the accused party. I have compromised the matter with my free will, without any pressure or coercion. The compromise has been effected with the help of relatives and respected persons of the Village vide compromise deed dated 16.1.2016. the copy of the same is Annexure CX. I do not want to take action against the accused persons. I have no objection if the accused in this case be acquitted/discharged and the FIR is quashed. No other criminal case is pending between the parties.”

Remaining private respondents/injured have also made similar statements before the learned Magistrate on 11.5.2016.

Learned counsel appearing for the respondents No.2 to 8 does not dispute the fact of compromise effected between the parties.

Learned State counsel also 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.91 dated 17.6.2014, under Sections 326, 323, 324, 506, 148 and 149 IPC, registered at Police Station Bhawanigarh, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 08, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No