

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

**Criminal Misc. No. M-15393 of 2016
Date of Decision:-19.08.2016**

Iqbal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Mikhail Kad, Asstt. A.G., Punjab.

Mr. K.P. Bawa, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.84 dated 20.5.2015, under Sections 420 and 120-B IPC, registered at Police Station Dharamkot, District Moga along with all consequential proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-2).

Vide order dated 5.5.2016, 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 5.5.2016, the parties have

appeared before the learned Magistrate on 25.5.2016 for getting their statements recorded.

The report dated 4.6.2016 received from the learned Judicial Magistrate 1st Class, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Rajinder Singh before the JMJC, Moga, on 25.5.2016 reads as under :-

“It is stated that I am the complainant in the present case arising out of FIR No.84 dated 20.5.2015, under Section 420, 120-B IPC, P.S. Dharamkot, Moga against Rashpal Singh and Iqbal Singh both sons of Teja Singh residents of Village Khosa Randhir, District Moga. The matter in dispute has been compromised with Iqbal Singh only amicably with the intervention of the respectable of society. I have made compromise with the said accused by my free will and without any threat, pressure or coercion. The compromise will help in restoring good relation and harmony between me and accused Iqbal Singh. I have no objection if petition u/s 482 Cr.P.C. qua Iqbal Singh in the Hon'ble Punjab and Haryana High Court is allowed and FIR be quashed against accused Iqbal Singh.”

Learned counsel appearing for respondent No.2 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.84 dated 20.5.2015, under Sections 420 and 120-B IPC, registered at Police Station Dharamkot, District Moga and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

August 19, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No