

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

**Criminal Misc. No. M-15395 of 2016
Date of Decision:-29.07.2016**

Major Mahip Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

Mr. Saurabh Arora , Advocate
for respondent Nos.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.467 dated 16.4.2015, under Sections 323, 324, 506, 34 IPC, registered at Police Station Gurgaon City, District Gurgaon (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 16.11.2015 (Annexure P-2).

Vide order dated 06.5.2016, 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 6.5.2016, the parties have appeared before the learned Magistrate on 15.6.2016 for getting their statements recorded.

The report dated 6.7.2016 received from the learned Judicial Magistrate 1st Class, Gurgaon, reveals that the compromise has been effected between the parties without any undue pressure.

The relevant extract of the report dated 6.7.2016 received from the learned JMJC, Gurgaon, reads as under :-

“Before recording the statements of parties, they were asked whether they are suffering the statement voluntarily and without any coercion or undue influence to which they replied in affirmative and stated that they are making the statement qua compromise voluntarily. The Court did not find any other suspicious circumstances to doubt the statements of parties.”

Learned counsel appearing for respondent Nos.2 and 3 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.467 dated 16.4.2015, under Sections 323, 324, 506, 34 IPC, registered at Police Station Gurgaon City, District Gurgaon 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