

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

**Criminal Misc. No. M-16039 of 2016
Date of Decision:-29.08.2016**

Harcharan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Subhash Chander, Advocate for
Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.01 dated 31.7.2014, under Sections 406, 420, 506 and 120-B IPC, registered at Police Station, NRI Ferozepur, District Ferozepur (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromise dated 2.5.2016 (Annexure P-2).

Vide order dated 10.5.2016, 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 10.5.2016, the parties have

appeared before the learned Magistrate on 30.5.2016 for getting their statements recorded.

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

The statement made by respondent No.2-complainant Surjit Singh Gill before the CJM, Ferozepur, on 30.5.2016 reads as under :-

“Stated that I have effected compromise with petitioners/accused Harcharan Singh, Barjinder Singh and Tejinder Singh sons of Ajit Singh, all residents of village Kitkapura (Kotkapura), Tehsil and District Faridkot, in case FIR No.1 dated 31.7.2014, under Sections 406, 420, 506, 120-B IPC, Police Station NRI Ferozepur, with the intervention of the respectables of locality without any inducement, pressure, threat or coercion. The compromise is genuine, voluntary, without any coercion or undue influence, which bears my signature and is correct. In this case there are only three accused in the present FIR and nobody has been declared as proclaimed offender. The petitioners/accused have filed the petition under Section 482 Cr.P.C. for the quashment of the impugned FIR and in terms of the compromise deed dated 2.5.2016, the same may kindly be accepted and the FIR may be quashed. The copy of my identity proof is Mark-D.”

Similar statements have been made by respondent No.3/co-complainant Hardial Singh.

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.01 dated 31.7.2014, under Sections 406, 420, 506 and 120-B IPC, registered at Police Station, NRI Ferozepur, District Ferozepur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No