

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

**Criminal Misc. No. M-16422 of 2016
Date of Decision:-02.09.2016**

Kulwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Neeeraj Sharma, AAG, Punjab.

Mr. Rahul Jaswal, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.16 dated 26.3.2016, under Sections 323, 324, 34 IPC, (Section 325 IPC added later on), registered at Police Station Talwandi Chaudhrian, District Kapurthala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 12.5.2016, 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 12.5.2016, the parties except petitioner No.3 Jatinder Singh @ Pinta have appeared before the learned Magistrate on 31.5.2016 for getting their statements recorded.

The report dated 7.6.2016 received from the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, reveals that the compromise has been effected between the parties without any undue pressure. However, in the report the learned Magistrate has pointed out that petitioner Jatinder Singh @ Pinta son of Sardool Singh has not turned up to suffer statement in the Court regarding the compromise.

Learned counsel for the petitioners submits that as petitioner No.3 is serving in the Army, so, he could not appear before the trial Court on 31.5.2016 for recording his statement with regard to the compromise effected between the parties. He has produced the affidavit of petitioner No.3 Jatinder Singh @ Pinta with regard to the compromise effected between the parties, in the Court. Same is taken on record.

The statement made by complainant Gurpreet Singh before the SDJM, Sultanpur Lodhi, on 31.5.2016 reads as under :-

“Stated that, I have compromised the matter with petitioners/accused Kulwinder Singh son of Sardool, Savinder Singh son of Sardool Singh, Jatinder Singh @

Pinta son of Sardool Singh and Manpreet Singh @ Mony son of Kulwinder Singh, all residents of village Kutbewal, P.S. Talwandi Chaudhrian, Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against all the accused be quashed.”

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.16 dated 26.3.2016, under Sections 323, 324, 34 IPC, (Section

325 IPC added later on), registered at Police Station Talwandi Chaudhrian, District Kapurthala and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

September 02, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No