

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

**Criminal Misc. No. M-18889 of 2016
Date of Decision:-23.09.2016**

Baljit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Rajesh Kapila, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Ms. Himani Kapila, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.46 dated 4.5.2016, under Section 379 IPC, registered at Police Station Kulgari, District Ferozepur along with all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit of respondent No.2 (Annexure P-2).

Vide order dated 27.5.2016, 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 27.5.2016, the parties have appeared before the learned Magistrate on 15.7.2016 for getting their statements recorded.

The report dated 30.7.2016 received from the learned Judicial Magistrate 1st Class, Ferozepur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Darshan Singh before the JMIC, Ferozepur, on 15.7.2016 reads as under :-

“Stated that FIR bearing No.46 dated 4.5.2016, under Section 379 IPC was registered at Police Station Kulgarhi on my statement against accused Baljit Singh son of Mehal Singh, Dilbagh Singh son of Salwant Singh and Manpreet Singh son of Roor Singh. Now after the intervention of respectable and Panchayat member compromise has been effected between me and accused persons. The above said compromise was effected between the parties without any coercion or undue influence of any person. After the execution of compromise no grudge or enmity remain between the parties. In view of the compromise the parties approached the Hon'ble High Court for quashing the present FIR. I have brought the original Adhar card. The Photostat copy of the same is Mark D. I have no objection if the present FIR be quashed against accused Baljit Singh, Dilbagh Singh and Manpreet Singh in view of compromise.”

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.46 dated 4.5.2016, under Section 379 IPC, registered at Police Station Kulgari, District Ferozepur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

September 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No