

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

Criminal Misc. No. M-19741 of 2016

Date of Decision:-29.09.2016

Ravinder Modgill and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. S.P.S. Aulakh, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. Piyush Kant Jain, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.83 dated 1.11.2010, under Sections 452, 427, 506, 148 and 149 IPC, registered at Police Station Dugri, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 01.6.2016, this Court had directed the parties to appear before the 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 1.6.2016, the parties have appeared before the learned Magistrate on 15.7.2016 for getting their statements recorded.

The report dated 15.7.2016 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jasmeet Singh before the JMJC, Ludhiana, on 15.7.2016 reads as under :-

“That I am complainant in the present case. I have seen certified copy of the compromise deed placed by the accused on the judicial file. I admit this compromise and the same is genuine, voluntary and without any coercion and undue influence. I am bound by the terms and conditions of the compromise Ex.C1. Due to the intervention of respectables and family members, I have compromised the matter with the accused Ravinder Modgill, Harpreet Kaur, Vikas Modgill and Darshana Kumari without any fear or pressure or coercion and with our free consent out of Court. I have no objection in case FIR No.83 of 2010 be quashed against all accused.”

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.83 dated 1.11.2010, under Sections 452, 427, 506, 148 and 149 IPC, registered at Police Station Dugri, District Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

September 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No