

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

**Criminal Misc. No. M-20004 of 2016
Date of Decision:-04.10.2016**

Yadwinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Kamal Narula, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.31 dated 18.4.2016, under Sections 452, 323, 427, 148 and 149 IPC, registered at Police Station Arni Wala, District Fazilka (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of panchayati affidavit and panchayati compromise (Annexures P-2 and P-3).

Vide order dated 2.6.2016, 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 2.6.2016, the parties have

appeared before the learned Magistrate on 15.6.2016 for getting their statements recorded.

The report dated 15.6.2016 received from the learned Judicial Magistrate 1st Class, Fazilka, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant/respondents No.2 to 5 before the JMIC, Fazilka, on 15.6.2016 reads as under :-

“Stated that we have compromised the matter with the petitioners/accused namely Yadwinder Singh son of Gurcharan Singh, Harjinder Pal Singh @ Palli son of Jaskaran Singh @ Mannu, Lovely @ Rajwinder Singh son of Gurcharan Singh, Pawan son of Natha and Sathu @ Satnam Singh son of Gurjant Singh, all residents of village Islamwala, Tehsil and District Fazilka with the intervention of respectable persons of locality and now we have no grudge or enmity against them. We have entered into the compromise voluntarily, without any pressure or coercion or undue influence on the part of any body. The original compromise deed has been placed on record before the Hon'ble Punjab & Haryana High Court alongwith the quashing petition as (Annexure P-3) and photo copy thereof is Mark 'A'.”

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.31 dated 18.4.2016, under Sections 452, 323, 427, 148 and 149 IPC, registered at Police Station Arni Wala, District Fazilka and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

October 04, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No