

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

**Criminal Misc. No. M-20008 of 2016
Date of Decision:-04.10.2016**

Dhanna Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. C.S. Jattana, 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.80 dated 28.6.2014, under Sections 323, 324, 34 (Charges framed under Sections 323, 325, 326, 34 IPC), registered at Police Station Badhni Kalan, District Moga (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 16.5.2016 (Annexure P-2).

Vide order dated 2.6.2016, 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 2.6.2016, the parties have appeared before the learned Magistrate on 22.7.2016 for getting their statements recorded.

The report dated 28.7.2016 received from the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Avtar Singh before the SDJM, Nihal Singh Wala, on 22.7.2016 reads as under :-

“On my intitation FIR No.80 dated 28.6.2014, under Sections 326, 325, 323 and 34 of IPC was got registered at Police Station Badhni Kalan (District Moga) against Dhanna Singh son of Kartar Singh, Manpreet Singh @ Kala son of Balvir Singh, Gurpreet Singh @ Gora son of Balvir Singh, all resident of village Daudhar Garbi (Police Station Badhni Kalan). Now with the intervention of respectables of our village and near relative we both the parties had effected compromise. This compromise is voluntary, genuine and without any coercion and undue influence and for the betterment of both the party. I will have no objection if the above mentioned FIR against the above mention person is quashed and they be acquitted on the basis of this compromise. No other criminal case is pending against me. Neither I have been declared proclaimed offender by any Court nor any such proceedings are pending against me.”

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.80 dated 28.6.2014, under Sections 323, 324, 34 (Charges framed under Sections 323, 325, 326, 34 IPC), registered at Police Station Badhni Kalan, District Moga 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
Whether Reportable

Yes / No
Yes / No