

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

**Criminal Misc. No. M-20322 of 2016
Date of Decision:-23.11.2016**

Ravi Kumar and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Gaurav Partap S. Pathania, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

None 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.140 dated 26.9.2014, under Sections 420 and 120-B IPC, registered at Police Station Division No.2, Pathankot, District Gurdaspur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 7.5.2016 (Annexure P-2).

Vide order dated 4.8.2016, 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 4.8.2016, the parties have

appeared before the learned Magistrate on 6.10.2016 for getting their statements recorded.

The report dated 26.10.2016 received from the learned Judicial Magistrate 1st Class, Pathankot, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Vivek Sharma before the Judicial Magistrate 1st Class, Pathankot, on 6.10.2016 reads as under :-

“That I had lodged FIR No.140 dated 26.9.2014, under Sections 420 and 120-B IPC, P.S. Division No.2, Pathankot, against the accused Ravi Kumar aged 48 years son of Raj Kumar, resident of Salaria Nagar, Purani Sabji Mandi, Dhangu Road, Pathankot, Neetu Sharma aged 42 years wife of Ravi Kumar, resident of Salaria Nagar, Purani Sabji Mandi, Dhangu road, Pathankot and Raj Rani aged 54 years wife of Jaishi Ram, resident of Treti, Tehsil Dhar Kalan, District Pathankot and Neha daughter of Ravi Kumar, resident of Back side Purani Sabji Mandi, Salaria Nagar, Pathankot that I have compromised/settlement the matter with accused on the basis of compromise dated 7.9.2016. I have no objection if the FIR No.140 dated 26.9.2014, under Sections 420 and 120-B of IPC, P.S. Division No.2, Pathankot is quashed. That I am the complainant in the said FIR and today I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.”

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.140 dated 26.9.2014, under Sections 420 and 120-B IPC, registered at Police Station Division No.2, Pathankot, District Gurdaspur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

November 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No