

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

**Criminal Misc. No. M-20457 of 2016
Date of Decision:-06.12.2016**

Gursharanjeet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Vishal Aggarwal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sachin Ohri, Advocate
for respondents No.2 to 5.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.84 dated 28.7.2013, under Sections 452, 323, 325, 380, 427, 506, 148 and 149 IPC, registered at Police Station Sadar, Nabha (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 31.5.2016 (Annexure P-2).

Vide order dated 6.6.2016, this Court had directed the parties to appear before the Illaqa Magistrate 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 6.6.2016, the parties have appeared before the learned Magistrate on 8.7.2016 for getting their statements recorded.

The report dated 19.07.2016 received from the learned JMIC, Nabha, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by respondent No.2-complainant Harnail Singh before the JMIC, Nabha, on 8.7.2016 reads as under :-

“Stated that the present FIR No.84 dated 28.7.2013, under Sections 452, 323, 325, 380, 427, 506, 148, 149 IPC, P.S. Sadar, Nabha was registered on the basis of my statement against accused present in the Court. With the intervention of respectable persons of the village, we have amicably settled the matter. I have no grudge against the accused. I do not want to proceed in the present case and I have no objection if accused are acquitted. I have made this statement voluntarily without any pressure, threat or coercion. I have brought the certified copy of compromise dated 31.5.2016 which bears my signatures. It is genuine, voluntary and without any undue influence. The certified copy of compromise is Ex.CX.”

Apart from above, similar statements have also been made by injured/respondents No.3 to 5, whereby they have shown no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 to 5 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.84 dated 28.7.2013, under Sections 452, 323, 325, 380, 427, 506, 148 and 149 IPC, registered at Police Station Sadar, Nabha and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No