

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

**Criminal Misc. No. M-23153 of 2016
Date of Decision:-27.10.2016**

Beera Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Kamalpreet Bawa, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Shivender Pal Singh, 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.193 dated 22.11.2014, under Section 384 IPC, registered at Police Station Nihal Singh Wala, District Moga (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise deed dated 6.7.2016 (Annexure P-2).

Vide order dated 13.7.2016, 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 13.7.2016, the parties have appeared before the learned Magistrate on 29.8.2016 for getting their statements recorded.

The report dated 31.8.2016 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 Baldev Singh before the SDJM, Nihal Singh Wala, on 29.8.2016 reads as under :-

“On my intimation FIR No.193 dated 22.11.2014, under Section 384 of IPC was got registered at Police Station Nihal Singh Wala (District Moga) against (i) Beera Singh son of Darshan Singh, resident of Village Nihal Singh Wala, (ii) Gurjinder Singh son of Tarlochan Singh, resident of Village Gagewala, (iii) Baljinder Kaur wife of Charanjeet Singh, resident of Village Dhurkot, (iv) Charanjeet Kaur wife of Tarlochan Singh, resident of Village Gagewala, (v) Satnam Singh, son of Bachittar Singh, resident of Village Ransih Kala.

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 parties. I will have no objection if the above mention FIR against the above mentioned person is quashed and they be acquitted on the basis of this compromise.”

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 (Cr1.) 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.193 dated 22.11.2014, under Section 384 IPC, registered at Police Station Nihal Singh Wala, District Moga and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

October 27, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No