

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

**Criminal Misc. No. M-25355 of 2016
Date of Decision:-18.11.2016**

Navjeet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. B.B.S. Randhawa, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. Gaurav Mannan, 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.203 dated 9.8.2011, under Sections 326, 324, 323, 148, 149 IPC, registered at Police Station Civil Lines, Batala, District Batala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 11.7.2016 (Annexure P-2).

Vide order dated 27.7.2016, 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 27.7.2016, the parties have appeared before the learned Magistrate on 1.9.2016 for getting their statements recorded.

The report dated 2.9.2016 received from the learned Judicial Magistrate 1st Class, Batala, suggests that though petitioner No.4-Lovish Kumar was summoned under proceedings under Section 319 Cr.P.C. but he has not surrendered before the Court. However, the report nowhere suggests that he was ever declared a proclaimed offender.

The statement made by complainant Charanjit Singh before the JMJC, Batala, on 1.9.2016 reads as under :-

“Stated that the present case FIR No.203 dated 09.8.2011, under Sections 326, 324, 323, 148, 149 IPC was registered on my statement at Police Station Civil Lines, Batala. The matter has been compromised with the accused party with the intervention of respectable of the locality. We are living peacefully and we have no grudge against each other. I do not want to proceed against the accused persons. No other case is pending between us and no P.O. proceedings is pending against any of the accused. I have suffered this statement without any coercion, pressure or undue influence and with my own free will. I have no objection if the present FIR be quashed.”

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.203 dated 9.8.2011, under Sections 326, 324, 323, 148, 149 IPC, registered at Police Station Civil Lines, Batala, District Batala and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 18, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No