

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

**Criminal Misc. No. M-25809 of 2016
Date of Decision:-22.11.2016**

Mohan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Chandan Deep Singh, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sahil Abhi, 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.115 dated 8.8.2015, under Sections 353, 186, 506 IPC, registered at Police Station Raikot, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) and affidavit of the complainant (Annexure P-3).

Vide order dated 29.7.2016, 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 29.7.2016, the parties have appeared before the learned Magistrate on 5.9.2016 for getting their statements recorded.

The report dated 12.9.2016 received from the learned Judicial Magistrate 1st Class, Jagraon, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Narinder Singh before the JMJC, Jagraon, on 5.9.2016 reads as under :-

“That we have compromise in the FIR No.115 dated 8.8.2015, under Sections 353, 186, 506 IPC, P.S. Raikot, District Ludhiana. Out of our free will and consent and I don't want to pursue any proceedings in the above said FIR. The said FIR No.115 quashed/cancelled and the accused Mohan Singh set free from this FIR No.115. I record my statement without any fear or pressure. I have no objection if the FIR No.115 dated 8.8.2015 under Sections 353, 186, 506 IPC, P.S. Raikot against accused Mohan Singh is quashed/cancelled and accused be discharged. My Identity Card Number is 108325, which is issued by Punjab State Power Corporation Limited. The photo copy of the same is also with my statement.”

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.115 dated 8.8.2015, under Sections 353, 186, 506 IPC, registered at Police Station Raikot, District Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

November 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No