

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

**Criminal Misc. No. M-26080 of 2016
Date of Decision:-22.11.2016**

Kewal Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. S.K. Daaria, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.226 dated 8.9.2010, under Sections 323, 324, 452, 34 IPC, registered at Police Station Shahkot, District Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 24.5.2016 (Annexure P-2).

Learned counsel for the petitioners states that since petitioner No.3-Sandeep, being juvenile, has been acquitted by the Juvenile Justice Board, Jalandhar, he does not press this petition qua him and confines his prayer made in the present petition qua petitioners No.1,2, 4 and 5.

Ordered accordingly.

Vide order dated 1.8.2016, 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 1.8.2016, the parties have appeared before the learned Magistrate on 5.9.2016 for getting their statements recorded.

The report dated 13.9.2016 received from the learned Judicial Magistrate 1st Class, Nakodar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jamna alias Sarabjit Kaur before the JMJC, Nakodar, on 5.9.2016 reads as under :-

“Stated that above said FIR was registered on the basis of my statement against Kewal Singh, Asha, Sandeep, Deepu, Shindo, Satnam @ Dhugar. Now, I have entered into compromise with the petitioners without any duress, coercion or any other pressure, to maintain the peace and harmony in the village. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed. There is no other case pending between me and accused.”

Similar statements have also been made by respondents No.3 and 4 namely, Des Raj and Disho, who are father and mother of respondent No.2-complainant whereby they have shown no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 to 4 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.226 dated 8.9.2010, under Sections 323, 324, 452, 34 IPC, registered at Police Station Shahkot, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners No.1, 2, 4 and 5 on the basis of compromise.

November 22, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No