

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

**Criminal Misc. No. M-26124 of 2016
Date of Decision:-23.11.2016**

Ravinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Parvinder Singh, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Munish Khanngwal, 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.217 dated 2.11.2008 (Annexure P-2), under Sections 452, 323, 506, 148, 149 IPC, registered at P.S. Garshankar, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of affidavit/compromise dated 28.8.2012 (Annexure P-1).

Vide order dated 4.8.2016, 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 4.8.2016, the parties have appeared before the learned Magistrate on 17.9.2016 for getting their statements recorded.

The report dated 26.9.2016 received from the learned Sub Divisional Judicial Magistrate, Garhshankar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gursharan Kaur before the SDJM, Garhshankar, on 17.9.2016 reads as under :-

“Stated that compromise has been effected with the petitioner i.e. Ravinder Singh son of late Shingara Singh resident of Village Parowal, with the intervention of the respectables and the same is without any threat or force or coercion. On the basis of compromise CRM-M-26124 of 2016 was filed in the Hon'ble High Court by petitioner. The parties have effected compromise and the same is without any threat coercion or undue influence. I have no objection if the FIR is 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.217 dated 2.11.2008 (Annexure P-2), under Sections 452, 323, 506, 148, 149 IPC, registered at P.S. Garshankar, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

November 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No