

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

**Criminal Misc. No. M-26326 of 2016
Date of Decision:-23.11.2016**

Bhagwant Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Sachin Bhardwaj, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Prabhjot Singh, Advocate
for respondent No.2.

Mr. G.S. Bajwa, Advocate
for respondent No.3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of DDR No.27 dated 8.7.2012 (Annexure P-2), under Sections 323, 148 and 149 IPC, registered at Police Station Sudhar in FIR No.51 dated 5.7.2012 (Annexure P-1), under Sections 447, 511, 341, 294, 506, 324, 323, 148 and 149 IPC, registered at Police Station Sudhaar, Police District Rural Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3).

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 7.9.2016 for getting their statements recorded.

The report dated 13.10.2016 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 Gurmail Singh before the JMJC, Jagraon, on 7.9.2016 reads as under :-

“Stated that I have compromised the matter in FIR No.51 dated 5.7.2012 under Sections 447, 511, 341, 294, 506, 324, 323, 148, 149 IPC, P.S. Sudhar and DDR No.27 dated 8.7.2012, under Sections 323, 148, 149 IPC on the intervention of the respectables of the village. I voluntarily compromised the matter with the accused/petitioners without any pressure from any person. In this case no accused has been declared as proclaimed offender and no PO proceedings are pending against any of the accused. There are total four accused namely Bhagwant Singh, Iqbal Singh, Kartar Singh and Sukhdev Singh in this case. The proceedings of the present case may please be quashed and accused may kindly be acquitted.”

Learned counsel appearing for respondent Nos.2 and 3 do not dispute the factum of compromise effected between the parties and have no objection if the present DDR is quashed.

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 DDR No.27 dated 8.7.2012 (Annexure P-2), under Sections 323, 148 and 149 IPC, registered at Police Station Sudhar in FIR No.51 dated 5.7.2012 (Annexure P-1), under Sections 447, 511, 341, 294, 506, 324, 323, 148 and 149 IPC, registered at Police Station Sudhaar, Police District Rural Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No