

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

**Criminal Misc. No. M-26462 of 2016
Date of Decision:-22.11.2016**

Natha Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Jagmeet Singh Moudgill, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sukhmeet Singh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.90 dated 11.7.2016, under Sections 452, 323, 148 and 149 IPC, registered at Police Station Chajjli, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 18.7.2016 (Annexure P-2).

Vide order dated 3.8.2016, 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 3.8.2016, the parties have appeared before the learned Magistrate on 21.9.2016 for getting their statements recorded.

The report dated 26.9.2016 received from the learned Judicial Magistrate 1st Class, Sunam, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kuldeep Singh before the JMJC, Sunam, on 21.9.2016 reads as under :-

“Stated that FIR No.90 dated 11.7.2016 under Sections 452, 323, 148, 149 IPC, Police Station Chhajli was registered on my statement. I have compromised with the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. I have no objection if FIR is quashed. I have no objection if present FIR is quashed.”

Similar statement has also been made by eye witness-respondent No.3 Kulwinder Kaur, whereby she has shown no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 and 3 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.90 dated 11.7.2016, under Sections 452, 323, 148 and 149 IPC, registered at Police Station Chajjli, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

November 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No