

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

**Criminal Misc. No. M-26473 of 2016
Date of Decision:-22.11.2016**

Baldev Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. B.S. Randhawa, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Parneet Singh Baidwan, 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.125 dated 26.11.2010, under Sections 326, 323, 452, 148 and 149 IPC, registered at Police Station Majitha, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 09.12.2010 (Annexures P-2 and P-3).

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 6.9.2016 for getting their statements recorded.

The report dated 18.11.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Anokh Singh before the JMJC, Amritsar, on 6.9.2016 reads as under :-

“Stated that FIR No.125 dated 26.11.2010 under Sections 326, 323, 452, 148 and 149 IPC, P.S. Majitha was registered against accused Baldev Singh, Gurpreet Singh, Sartaj Singh, Kulwinder Singh, Beant Singh, Ranjit Singh, Sawinder Singh on my complaint and now we have compromised the matter voluntarily without any threat or coercion and without any undue influence. I have no objection if the present FIR is quashed by the Hon'ble Punjab and Haryana High Court. It is prayed that the quashing petition may be allowed on the basis of compromise. As per my information none of the accused was ever declared as proclaimed offender. The FIR has been registered only against aforementioned seven accused..”

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.125 dated 26.11.2010, under Sections 326, 323, 452, 148 and 149 IPC, registered at Police Station Majitha, District Amritsar 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