

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

**Criminal Misc. No. M-26529 of 2016
Date of Decision:-23.11.2016**

Gurbaje Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Ashish Bakshi, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Ms. Surinder Kaur, 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.168 dated 24.9.2014, under Section 384 IPC, registered at Police Station Laddowal, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

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 15.11.2016 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Charan Dass @ Binder Kumar before the JMJC, Ludhiana, on 7.9.2016 reads as under :-

“Stated that the present case bearing FIR No.168 dated 24.9.2014, under Sections 384/34 IPC, P.S. Laddowal, Ludhiana has been got registered by me against accused persons namely Gurbhej Singh, Hardeep Singh, Lakhwinder Singh, Gurjit Singh and Mani Kumar. Now with the intervention of respectables I entered into compromise with the accused persons. I have brought my original ID card and copy of same is Ex.C1. Now, due to compromise between the parties, I do not want to pursue with the present case. I entered into compromise with my free consent without any pressure and coercion. I have no objection if the aforesaid FIR is quashed by Hon'ble High Court.”

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.168 dated 24.9.2014, under Section 384 IPC, registered at Police Station Laddowal, District 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

Yes / No

Whether Reportable

Yes / No