

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

**Criminal Misc. No. M-25947 of 2015
Date of Decision:-11.08.2016**

Dhir Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Narinder Singh Dadwal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Harish Davedi, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.115 dated 18.6.2015 (Annexure P-1), under Sections 406, 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 13.7.2015 (Annexure P-2).

Vide order dated 16.3.2016, 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 16.3.2016, the parties have appeared before the learned Magistrate on 25.5.2016 for getting their statements recorded.

The report dated 15.6.2016 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 Munish Kumar before the JMJC, Ludhiana, on 25.5.2016 reads as under :-

“I am complainant of FIR No.115 dated 18.6.2015, u/s 406, 419, 420, 468, 471, 120-B IPC, I have compromised with the accused namely Dhir Singh Rana and Sumit Kumar vide compromise Ex.CA. The compromise is volunteered and without any pressure, threat coercion etc. and it is for the benefit of both the parties who are residents of the same area. Now there is no dispute between us and we are residing amicably in the area. I have no objections if the proceedings of the FIR may kindly be 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.115 dated 18.6.2015 (Annexure P-1), under Sections 406, 419, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 11, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No