

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

**Criminal Misc. No. M-28050 of 2016
Date of Decision:-04.10.2016**

Sukhchain Puri and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Parminder Singh, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sanjeev K. Virk, 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.331 dated 30.12.2015, under Sections 452, 323, 341, 506, 148 and 149 IPC, registered at Police Station Sohana, District SAS Nagar, Mohali (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 27.7.2016 (Annexure P-2).

Vide order dated 16.8.2016, 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 16.8.2016, the parties have appeared before the learned Magistrate on 6.9.2016 for getting their statements recorded.

The report dated 13.9.2016 received from the learned Additional Chief Judicial Magistrate, SAS Nagar (Mohali), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Atma Singh before the ACJM, SAS Nagar (Mohali), on 6.9.2016 reads as under :-

“I have arrived at compromise in the present case with all the accused namely Sukhchain Puri, Bhajan Puri, Sheesh Puri, Surinder Puri and Gurjant Puri @ Jatinder residents of village Raipur Kalan, Tehsil and District Mohali. There is no proclaimed offender in this case. Now, I have no grievance against the accused. I have arrived at compromise without any pressure, coercion, misrepresentation, fraud or undue influence. I do not want to pursue the present case. I have no objection, if the accused is acquitted in the present case or the FIR in question is 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.331 dated 30.12.2015, under Sections 452, 323, 341, 506, 148 and 149 IPC, registered at Police Station Sohana, District SAS Nagar, Mohali and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

October 04, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No