

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

**Criminal Misc. No. M-28417 of 2016
Date of Decision:-01.12.2016**

Bhagwan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Chetan Bansal, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.78 dated 19.7.2011, under Sections 419, 420, 465, 468, 471 and 120-B IPC, registered at Police Station Ajnala, Amritsar Rural (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 6.8.2016 (Annexure P-2).

Vide order dated 17.8.2016, 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 17.8.2016, the parties have appeared before the learned Magistrate on 23.8.2016 for getting their

statements recorded.

The report dated 29.10.2016 received from the learned JMIC, Ajnala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gurmeet Kaur before the JMIC Ajnala, on 23.8.2016 reads as under :-

“That the present case has got registered against the accused person at my instance vide FIR No.78 dated 19.7.2011, P.S. Ajnala U/s 419, 420, 465, 468, 471, 120-B IPC. With the intervention of the relatives and respectables the matter between me and accused Bhagwan Singh has been compromised. The compromise is voluntarily made by me without any coercion or undue influence and is a genuine one. I do not want to proceed with the present case any more. I have no objection if the FIR registered against Bhagwan Singh is quashed.”

Learned State counsel 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.78 dated 19.7.2011, under Sections 419, 420, 465, 468, 471 and 120-B IPC, registered at Police Station Ajnala, Amritsar Rural and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

December 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No