

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

**Criminal Misc. No. M-28438 of 2016
Date of Decision:-01.12.2016**

Vijay Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Kunal Vinayak, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sachin Sharma, 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.266 dated 7.11.2014, under Sections 452, 323, 324, 148 and 149 IPC, registered at Police Station Sadar, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 15.7.2016 (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 19.9.2016 for getting their statements recorded.

The report dated 20.9.2016 received from the learned Additional Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Raman Kumar before the ACJM, Amritsar, on 19.9.2016 reads as under :-

“That one FIR No.266 dated 7.11.2014, under Sections 452, 323, 324, 148, 149 IPC registered at PS Sadar, Amritsar was registered by me against accused Vijay Kumar, Ajay Kumar, Dharam Lal, Bhim son and Goldy in which Anu, Sanjogita, Charanjit Sharma, Rohit Kumar and Raman Kumar were got injured. Now with the intervention of respectables of society, compromise has been effected between us without any pressure and undue influence. As per the compromise, I alongwith injured do not want to proceed with the case further and I have no objection if the FIR No.266 dated 7.11.2014, under Sections 452, 323, 324, 148, 149 IPC registered at PS Sadar, Amritsar be quashed/cancelled by the Hon'ble High court qua abovesaid accused.”

Similar statements have also been made by respondents No.3 to 7, who were injured namely, Anu, Sanjogita, Charanjit Sharma, Rohit Kumar and Raman Kumar @ Rinku, whereby they have shown no objection to the FIR being quashed.

Learned counsel appearing for respondent No.2-complainant

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.266 dated 7.11.2014, under Sections 452, 323, 324, 148 and 149 IPC, registered at Police Station Sadar, Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No