

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

**Criminal Misc. No. M-29696 of 2016
Date of Decision:-06.12.2016**

Harbhajan Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Anita Sharma, 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.8 dated 4.2.2014, under Sections 420 and 201 IPC, registered at Police Station Thuliwal, District Barnala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 26.8.2016, 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 26.8.2016, the parties have appeared before the learned Magistrate on 20.9.2016 for getting their

statements recorded.

The report dated 20.9.2016 received from the learned Judicial Magistrate 1st Class, Barnala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Shinder Kaur before the JMJC, Barnala, on 20.9.2016 reads as under :-

“I am complainant in this case FIR No.8 dated 4.2.2014, under Sections 420, 201 IPC, Police Station Thulliwal, which was lodged by me. Now, compromise has been effected between us by respectable persons. Now both the parties wants to reside in peaceful manner. I have no objection if the present FIR is being quashed. The compromise was effected between us the copy of the compromise is Ex.C1. I identify my thumb impression. There is no dispute regarding the correctness of the compromise.”

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.8 dated 4.2.2014, under Sections 420 and 201 IPC, registered at Police Station Thuliwal, District Barnala and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

December 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No