

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

**Criminal Misc. No. M-29724 of 2016
Date of Decision:-06.12.2016**

Bharbhur Bharti

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Parminder Singh, 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.143 dated 8.9.2012, under Sections 406, 420 and 120-B 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 20.8.2016 (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 26.9.2016 received from the learned ACJM, SAS Nagar (Mohali), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sahib Singh before the ACJM, Mohali, on 20.9.2016 reads as under :-

“I have arrived at compromise with the accused Bharbhur Bharti son of Padam Bharti resident of Village Sohana, Tehsil and District SAS Nagar, Mohali, with the intervention of respectable/common friends vide compromise. 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 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.143 dated 8.9.2012, under Sections 406, 420 and 120-B IPC, registered at Police Station Sohana, District SAS Nagar, Mohali 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