

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

Criminal Misc. No. M-29929 of 2016

Date of Decision:-04.10.2016

Sukhpal Singh alias Filla and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. S.S. Sidhu, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sunil Doda, Advocate for
Mr. S.P. Singh, 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.121 dated 31.8.2015, under Sections 324, 323, 341, 34 IPC (offence under Section 326 IPC added while framing the charge-sheet by the trial Court), registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 27.8.2016, this Court had directed the parties to appear before the 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 27.8.2016, the parties have appeared before the learned Magistrate on 9.9.2016 for getting their statements recorded.

The report dated 13.9.2016 received from the learned SDJM, Malout, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gurtinder Singh @ Pappu before the SDJM, Malout, on 9.9.2016 reads as under :-

“It is submitted that present FIR has been registered on the basis of my statement against accused Sukhpal Singh @ Filla son of Balwinder Singh, Iqbal Singh @ Nikka son of Balwinder Singh, Gurmail Singh @ Gela son of Charat Singh, Gurpreet Singh @ Kala son of Jagraj Singh @ Daddi, all residents of Village Fauthiwala, Tehsil Malout, District Sri Muktsar Sahib today present in the Court. Now, with the intervention of the respectable, we have arrived into compromise with accused. The matter have been amicably decided between us. Nothing is due towards with each other. I do not want to proceed with the present case against the accused. The compromise is voluntarily without any pressure, coercion and is with my free will. We have left no grudge against accused. We have no objection if the present FIR is quashed and accused are acquitted.”

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.121 dated 31.8.2015, under Sections 324, 323, 341, 34 IPC (offence under Section 326 IPC added while framing the charge-sheet by the trial Court), registered at Police Station Lambi, District Sri Muktsar Sahib 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