

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

**Criminal Misc. No. M-29941 of 2016
Date of Decision:-07.12.2016**

Usha Rani and another

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Tarunveer Vashist, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

None for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.89 dated 29.8.2015, under Sections 306, 342, 323, 34 IPC, registered at Police Station Longowal, District Sangrur Punjab (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 30.4.2016 (Annexure P-2).

Vide order dated 29.8.2016, 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 29.8.2016, the parties have

appeared before the learned Magistrate on 21.9.2016 for getting their statements recorded.

The report dated 28.9.2016 received from the learned Judicial Magistrate 1st Class, Sangrur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Bhupinder Kaur before the JMJC, Sangrur, on 21.9.2016 reads as under :-

“Stated that we have compromise with the accused in the FIR No.89 dated 29.8.2015. In this regard a compromise dated 2.6.2016 has been executed between the parties which is correct and true and executed without any pressure and with our consent and sweet will. I have seen the original compromise which identified my signature on the compromise. The original compromise is Ex.C1. I am bound on the contents of the compromise and I do not want to proceed the case against the accused person. I have no objection if the FIR may be quashed against the accused persons.”

Apart from above, similar statement has also been made by respondent No.3 Kulwinder Singh, who is father of the deceased Jasjit Singh, whereby he has shown no objection to the FIR being 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.89 dated 29.8.2015, under Sections 306, 342, 323, 34 IPC, registered at Police Station Longowal, District Sangrur Punjab and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 07, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No