

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

**Criminal Misc. No. M-3279 of 2016
Date of Decision:-26.07.2016**

Rinku

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Bikram Singh, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.2 dated 5.1.2016, under Section 379-B IPC, registered at Police Station SBS Nagar, Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of Panchayati compromise dated 11.1.2016 (Annexure P-2).

Vide order dated 6.4.2016, 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 6.4.2016, the parties have appeared before the learned Magistrate on 7.5.2016 for getting their

statements recorded.

The report dated 27.5.2016 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kuldeep Kaur before the Judicial Magistrate 1st Class, Ludhiana, on 7.5.2016 reads as under :-

“I have registered the present FIR No.2 dated 5.1.2016, under Section 379-B IPC, P.S. S.B.S. Nagar, Ludhiana against unknown person and during the investigation, the police has nominated the accused Rinku in this case. Now I have compromised the matter with the accused Rinku and the copy of written compromise deed is Ex.AB, which also bears my signatures. Both the parties shall remain bound by the terms and conditions of compromise deed Ex.AB. I have also placed on record the photo copy of my ID proof. I have effected the compromise and made statement today in the Court without any pressure, fear and coercion and at on our own will. I have no objection, if the present FIR be quashed.”

Injured Jaspreet Singh also made similar statement before the learned Judicial Magistrate 1st Class, Ludhiana, on 7.5.2016.

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.2 dated 5.1.2016, under Section 379-B IPC, registered at Police Station SBS Nagar, Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

July 26, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No