

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

**Criminal Misc. No. M-33348 of 2016
Date of Decision:-21.12.2016**

Gourav @ Gora and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Rajesh Kumar Dadwal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.56 dated 4.4.2016, under Sections 325, 323, 341, 149 IPC, registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 6.9.2016 (Annexure P-2).

Vide order dated 20.9.2016, 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 20.9.2016, the parties have

appeared before the learned Magistrate on 4.10.2016 for getting their statements recorded.

The report dated 12.10.2016 received from the learned Sub Judicial Magistrate 1st Class, Mukerian, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant tota Ram before the JMJC, Mukerian, on 4.10.2016 reads as under :-

“Stated that I have effected the compromise with the petitioner party in the presence of the respectable of the locality. Now I have no grudge or grievances against the petitioners. I have effected the compromise voluntarily, without any pressure, coercion and undue influence and same is genuine. I have no objection if the FIR be quashed against them.”

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 (Cr1.)**

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.56 dated 4.4.2016, under Sections 325, 323, 341, 149 IPC, registered at Police Station Mukerian, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 21, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No