

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

**Criminal Misc. No. M-36875 of 2015
Date of Decision:-19.08.2016**

Mohan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Gurmeet Singh, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Ramandeep Singh, Advocate for
Mr. N.S. Sidhu, Advocate
for respondents No.2 to 5.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.75 dated 21.6.1996, under Sections 447, 506, 427, 148, 149 IPC, registered at Police Station Payal, Police District Khanna, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 14.8.2015 (Annexure P-7).

Vide orders dated 30.10.2015 and thereafter on 02.5.2016, 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 above orders, the petitioners and complainant Gurinderpal Singh son of late Sardar Tara Singh have appeared before the learned Magistrate on 17.11.2015 whereas respondents No.3 to 5 who are legal representatives of late Sardar Tara Singh have appeared before the learned Magistrate on 10.6.2016 for getting their statements recorded.

The reports dated 14.11.2015 and 13.6.2016 received from the learned Sub Divisional Judicial Magistrate, Payal, reveal that the compromise has been effected between the parties without any undue pressure.

Learned State counsel states that during the pendency of the case, the sole complainant namely Sardar Tara Singh had expired, however, his son Gurinderpal Singh has made the statement in support of the compromise.

The statement made by complainant Gurinderpal Singh before the SDJM, Payal, on 17.11.2015 reads as under :-

“Present case was registered on the statement of my father Sh. Tara Singh. Now the compromise has been arrived at between me and the accused persons. The compromise has been arrived at without any pressure, threat or coercion. Photocopy of compromise deed is Ex.P1 which bears my signature. Compromise has been arrived at between me and the accused person without having any inducement, threat or coercion. Compromise is genuine one. I have no objection, if the,

FIR against the accused is quashed. No other case is pending between me and the accused person. I produced photocopy of my identity card as Ex.P2.”

Similar statements have been recorded by respondents No.3 to 5 i.e. LRs of late Shri Tara Singh before the learned Magistrate on 10.6.2016.

Learned counsel appearing for respondent Nos.2 to 5 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.75 dated 21.6.1996, under Sections 447, 506, 427, 148, 149 IPC, registered at Police Station Payal, Police District Khanna, District

Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 19, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No