

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

Criminal Misc. No. M-43476 of 2015

Date of Decision:-23.09.2016

Saurav Bhatia and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Gagandeep Singh Simble, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Vivek Salathia, Advocate for
Mr. Rahul Sharma, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.189 dated 4.9.2012 (Annexure P-1), under Sections 323, 324, 326, 160, 148 and 149 IPC, registered at Police Station City Batala, Police District Batala, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise dated 21.11.2015 (Annexure P-4).

Vide order dated 30.5.2016, 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 30.5.2016, the parties have appeared before the learned Magistrate on 14.9.2016 for getting their statements recorded.

The report dated 15.9.2016 received from the learned Sub Divisional Judicial Magistrate, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainants Happy Mahajan and Sunny before the SDJM, Batala, on 14.9.2016 reads as under :-

“Stated that the present case FIR No.189 dated 4.9.2012, under Sections 323, 324, 326, 160, 148 and 149 IPC was registered on our statements at Police Station City, Batala against the accused persons namely, Saurav Bhatia, Gaurav Bhatia, Pardeep Bhatia sons of Subash Bhatia, Subash Bhatia son of Ajit Bhatia, Rakesh Bhatia son of Ashok Bhatia and Rajesh Bhatia son of Ashok Bhatia, all residents of Mian Mohalla, Tehsil Batala, District Gurdaspur. Now the matter has been compromised, with the intervention of respectables and we do not want to proceed against them. Now we have no grudge against the accused persons. We have suffered this statement without any coercion, pressure or undue influence and with our own free will. We have no objection if the present FIR be quashed.”

Learned counsel appearing for respondent Nos.2 and 3 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.189 dated 4.9.2012 (Annexure P-1), under Sections 323, 324, 326, 160, 148 and 149 IPC, registered at Police Station City Batala, Police District Batala, District Gurdaspur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

September 23, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No