

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

**Criminal Misc. No. M-43481 of 2015
Date of Decision:-23.09.2016**

Amit Mahajan @ Rimpay Mahajan and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Mr. Vivek Salathia, Advocate for
Mr. Rahul Sharma, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Gagandeep Singh Simble, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of cross case in
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 Gaurav Bhatia and Rajesh Bhatia 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 their statements at Police Station City, Batala against the accused persons namely, Amit Mahajan @ Rimpay son of Vijay Mahajan, Happy Gupta @ Happy Mahajan son of Late Kishan Chand, Sahil Mahajan son of Happy Gupta, Varun Mahajan @ Rinky Mahajan son of Subash Mahajan, residents of Near Dharampura Colony, Batala, District Gurdaspur; Bhola Mahajan @ Ashish Mahajan son of Bhapa Mahajan, Dimple Mahajan son of Kishan Chand, residents of Tibba Bazar, Hamadani Mohalla, Batala and Harpreet Singh @ Happy son of Harjinder Singh, resident of New Guru Nanak Nagar, Staff Road, 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 cross case in 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