

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

**Criminal Misc. No. M-5456 of 2016
Date of Decision:-29.07.2016**

Ranjit Singh @ Jeeta and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Ms. Ankita Dada, Advocate for
Mr. Jitender Singh Dadwal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.51 dated 13.4.2015, under Sections 452, 427, 506, 148 and 149 IPC, registered at Police Station Dehlon, District Ludhiana City, Punjab (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 3.12.2015 (Annexure P-2).

Vide order dated 15.2.2016, 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, however, parties could not appeared. Again vide order dated 12.5.2016, another opportunity was granted to othe parties to get their statements recorded before the learned Illaqa Magistrate/ trial Court subject to payment of cost of Rs.5000/- to be deposited with the Punjab State Legal Service Authority, Chandigarh.

In compliance of the order dated 12.5.2016, the parties have appeared before the learned Magistrate on 25.5.2016 for getting their statements recorded.

The report dated 2.6.2016 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 Amanjot Singh @ Amandeep Singh before the JMIC, Ludhiana, on 25.5.2016 reads as under :-

“Stated that an FIR bearing No.51 dated 13.4.2015, under Sections 452, 427, 506, 148, 149 IPC was registered at P.S. Dehlon, District Ludhiana on my statement. That I have compromised with the accused persons namely Jagdeep Singh son of Mukhtiar Singh, resident of Lehra village, Ranjit Singh son of Satnam Singh, resdient of Village Jadwali, Harmanpreet Singh son of Lakhvir Singh, resident of Narangwal Kalan and Kuldeep Singh son of Malkit Singh, resident of Lehra with intervention of respectables. That my mother Harjit Kaur has also entered into compromise with the accused. I identified the accused present in the Court with whom I have entered into compromise. That I have placed on record my driving license Ex.D1 as my identity proof. I have entered in compromise with the accused named

above out of my free will, voluntarily without any pressure from any corner. I do not want to pursue with the present FIR. I have got no objection if proceedings qua all the accused are quashed by Hon'ble Punjab and Haryana High Court. As per compromise I do not want to proceed further with the present FIR and I have no objection if the said FIR be quashed. In compliance of order dated 12.5.2016 passed by Hon'ble Punjab and Haryana High Court, Chandigarh CRM No.5456 cost of Rs.5000/- have been deposited in Punjab State Legal Services Authority, Chandigarh on 23.5.2016 vide receipt No.921090. Copy of the said receipt is Ex.C1. Original compromise entered into between the parties is attached with petition under Section 482 Cr.P.C. pending before Hon'ble Punjab and Haryana High Court, Chandigarh.”

Apart from the above statement made by respondent No.2, injured Harjeet Kaur-respondent No.3 also suffered similar statement whereby she has shown no objection to the FIR being quashed.

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.51 dated 13.4.2015, under Sections 452, 427, 506, 148 and 149 IPC, registered at Police Station Dehlon, District Ludhiana City, Punjab and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No