

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

**Criminal Misc. No. M-11718 of 2017
Date of Decision:-11.07.2017**

Gobind Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- None for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.101 dated 30.9.2014, under Sections 326, 324, 341, 34 IPC, registered at Police Station Cheema, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 1.4.2017 (Annexure P-1).

Vide order dated 20.4.2017, 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 order dated 20.4.2017, the parties have appeared before the learned Magistrate on 18.5.2017 for getting their

statements recorded.

The report dated 23.5.2017 received from the learned Sub Divisional Judicial Magistrate, Sunam, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gora Singh before the SDJM, Sunam, on 18.5.2017 reads as under :-

“Stated that FIR No.101 dated 30.9.2014, under Sections 326, 324, 341, 34 IPC, Police Station Cheema was registered on my statement. I have compromised with all the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. No accused is PO in the present case. I have no objection if present FIR is quashed.”

Similar statements have also been made by injured/eye-witness Kuldeep Singh son of Sukhdev Singh, whereby he has shown no objection to the FIR being quashed.

On the other hand, learned State counsel has stated that the factum of compromise is not in the knowledge of the Investigating Officer.

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.101 dated 30.9.2014, under Sections 326, 324, 341, 34 IPC, registered at Police Station Cheema, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 11, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No