

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

Criminal Misc. No. M-13222 of 2017

Date of Decision:-01.8.2017

Kulwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

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

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. P.S. Guliani, Advocate for
Mr. Aulok Sandhu, Advocate
respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.135 dated 15.10.2016, under Sections 451, 323, 506, 427, 148 and 149 IPC (Section 452 IPC added later on), registered at Police Station Bhawanigarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2) dated 07.01.2017.

Vide order dated 20.4.2017, this Court had directed the parties to appear before the Illaqa Magistrate 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 25.4.2017 for getting their statements recorded.

The report dated 25.4.2017, forwarded on 29.4.2017 by the learned Additional Chief Judicial Magistrate, Sangrur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Bawandeep @ Bawan before the ACJM, Sangrur, on 25.4.2017 reads as under :-

“Stated that FIR No.135 dated 15.10.2016, under Sections 451, 323, 506, 427, 148, 149 IPC and Section 452 IPC which was added later on was registered against us at P.S. Bhawanigarh, Tehsil and District Sangrur was registered on my statement. Now, I have compromised with the accused/petitioner namely Kulwinder Singh, Gurjant Singh, Jagtar Singh @ Vakil and Satwinder Singh @ Great without any influence, coercion or undue pressure at my own due to intervention of the respectables, relatives and Panchayat members. I have no further grudge remained against the accused/petitioners. We want to live our life peacefully without any grievances with each other. The petitioner/accused have already filed the quashing proceedings before the Hon'ble Punjab & Haryana High Court vide CRM-M No.13222 of 2017 titled as Kulwinder Singh vs. State of Punjab. I have no objection if the quashing proceedings filed by the petitioner/accused accepted and they be discharged from the present case.”

Learned counsel appearing for respondent No.2 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.135 dated 15.10.2016, under Sections 451, 323, 506, 427, 148 and 149 IPC (Section 452 IPC added later on), registered at Police Station Bhawanigarh, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 01, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No