

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

**Criminal Misc. No. M-19095 of 2017
Date of Decision:-01.8.2017**

Nishant Bansal

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Rishabh Gupta, Advocate
for the petitioner.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.144 dated 18.9.2015, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Nehianwala, District Bathinda (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 5.5.2017 (Annexure P-2).

Vide order dated 25.5.2017, 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 25.5.2017, the parties have appeared before the learned Magistrate on 04.7.2017 for getting their

statements recorded.

The report dated 12.7.2017 received from the learned Judicial Magistrate 1st Class, Bathinda, reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel for the petitioner states that since respondents No.6 and 7 are minor children of respondent No.5-Vijay Laxmi, so, the statement in support of compromise on her behalf being injured as well as on behalf of respondents No.6 and 7 has been made and signed by her.

The joint statement made by complainant Surinder Kumar along with injured persons before the JMIC, Bathinda, on 4.7.2017 reads as under :-

“We have compromise the matter with accused Nishant Bansal, the photocopy of compromise deed is Ex.C1 upon which we identified our signatures. We compromise the matter without any pressure or coercion. We have no objection if FIR No.144 dated 18.9.2015, P.S. Nahianwala be quashed.”

Learned counsel appearing for respondents No.2 to 7 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.144 dated 18.9.2015, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Nehianwala, District Bathinda and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise dated 5.5.2017 (Annexure P-2).

August 01, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No