

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

**Criminal Misc. No. M-42957 of 2016
Date of Decision:-28.07.2017**

Paramjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- None for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Sandeep Godara, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.87 dated 8.8.2014, under Sections 324, 323, 148 and 149 IPC, registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 1.12.2016, 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 1.12.2016, the parties have appeared before the learned Magistrate on 20.12.2016 for getting their statements recorded.

The report dated 04.1.2017 received from the learned Additional Chief Judicial Magistrate, Gurdaspur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by Smt. Rajwant Kaur, Special Power of attorney holder of complainant Jarnail Singh before the ACJM, Gurdaspur, on 20.11.2016 reads as under :-

“I have entered into compromise with petitioners/accused namely, Paramjit Singh son of Kashmir Singh, Jyoti wife of Paramjit Singh son of Kashmir Singh, Satpal son of Bhanu Ram and Satish Kumari wife of Satpal son of Bhanu Ram, all residents of Village Nabipur, Hardochanni Road, Police Station Sadar Gurdaspur, Tehsil and District Gurdaspur, on the intervention of respectable persons. The compromise has been entered into by me, out of my own free will and consent voluntarily without any pressure, with the intervention of respectable persons. Now, I have no grudge against accused (petitioners). I have no objection, if the present FIR and subsequent proceedings are quashed against accused (petitioners).”

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.87 dated 8.8.2014, under Sections 324, 323, 148 and 149 IPC, registered at Police Station Sadar Gurdaspur, District Gurdaspur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 28, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No