

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

CRM-M-42237-2015 (O&M)

Date of Decision: 20.07.2017

Avtar Singh @ Rettu and others

... Petitioners

Versus

State of Punjab and another

... Respondents

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

Present: Mr. J.S. Moudgill, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG Punjab.

None 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.145 dated 14.09.2015 under Sections 341/323/382/148/149 IPC registered at Police Station Chajjli, District Sangrur (Annexure P-1) alongwith all consequential proceedings arising therefrom on the basis of compromise dated 01.12.2015(Annexure P-2).

Vide order dated 18.05.2016, 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.

In compliance to the aforesaid order, the parties have appeared before the learned Judicial Magistrate 1st Class, Sunam on

30.05.2016 and got their statements recorded. The report dated 06.06.2016 received from the learned Magistrate reveals that the compromise effected between the parties is voluntarily with free consent and without any coercion or fear.

Though today none has put in appearance on behalf of the respondent No.2-complainant Jaswinder Singh but no prejudice would be caused to him as he has already suffered his statement qua the compromise before the learned Magistrate on 30.05.2016, which reads as under :-

“Stated that FIR No. 145 dated 14.09.2015 under Section 341, 323, 382, 148, 149, IPC P.S. Chhajli was registered on my statement against the accused. I have compromised the matter with all the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. I have no objection if present FIR is quashed.”

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 the 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.145 dated 14.09.2015 under Sections 341/323/382/148/149 IPC registered at Police Station Chajjli, District Sangrur (Annexure P-1) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 01.12.2015(Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.07.2017

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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*