

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

**Criminal Misc. No. M-46310 of 2016
Date of Decision:-24.07.2017**

Sanju Bansal @ Sanjay Bansal and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Rajender Kumar, 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.312 dated 30.12.2009, under Sections 120-B, 420, 452, 384, 323, 506, 34 IPC, registered at Police Station City Barnala, District Barnala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 19.12.2016 (Annexure P-2).

Vide order dated 23.12.2016, 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 of the order dated 23.12.2016, the parties have appeared before the learned Magistrate on 08.2.2017 for getting their statements recorded.

The report dated 09.2.2017 received from the learned Judicial Magistrate 1st Class, Barnala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Dr. Jasbir Singh Aulakh, Senior Medical Officer, CH Barnala, before the JMJC, Barnala, on 08.2.2017 reads as under :-

“I am a complainant of the present case and present FIR bearing No.312 dated 30.12.2009 was got registered in P.S. City, Barnala under Sections 384, 511, 34 of IPC. I have compromised the matter with the accused party as per the compromise deed dated 19.12.2016. I have compromised the matter with accused party without any pressure and compromise deed is genuine one. I have no objection if this FIR is quashed. I have seen certified copy of compromise deed Ex.CX, which bears my signatures.”

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.312 dated 30.12.2009, under Sections 120-B, 420, 452, 384, 323, 506, 34 IPC, registered at Police Station City Barnala, District Barnala and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 24, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No