

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

**Criminal Misc. No. M-5332 of 2017
Date of Decision:-21.08.2017**

Balwinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Ms. Kanchan, Advocate for
Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.32 dated 21.2.2010, under Sections 323, 324, 326, 34 IPC, registered at Police Station Shahkot, District Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 17.2.2017, 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 17.2.2017, the parties have

appeared before the learned Magistrate on 3.8.2017 for getting their statements recorded.

The report dated 8.8.2017 received from the learned JMIC, Nakodar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sucha Singh before the JMIC, Nakodar, on 3.8.2017 reads as under :-

“Stated that above said FIR was registered on the basis of my statement against Balwinder Singh and Rano. I have received injuries in this incident. Now, I have entered into compromise with the petitioners without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed.”

Learned State counsel 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.32 dated 21.2.2010, under Sections 323, 324, 326, 34 IPC, registered at Police Station Shahkot, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 21, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No