

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

**Criminal Misc. No. M-8770 of 2017
Date of Decision:-21.08.2017**

Gurbaksh Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. N.S. Dandiwal, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr. K.S. Sidhu, Advocate for
Mr. R.S. Sekhon, 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.40 dated 4.5.2016, under Sections 420 and 120 IPC, registered at Police Station Ajitwal, District Moga (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 28.2.2017 (Annexure P-2).

Vide order dated 16.3.2017, this Court had directed the parties to appear before the Illaqa Magistrate 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 16.3.2017, the parties have appeared before the learned Magistrate on 30.3.2017 for getting their statements recorded.

The report dated 19.4.2017 received from the learned JMIC, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Amarjit Singh before the JMIC, Moga, on 30.3.2017 reads as under :-

“Stated that criminal case bearing FIR No.40 dated 4.5.2016 under Sections 420 and 120-B IPC was got registered at P.S. Ajitwal, District Moga on my complaint against the accused Gurbakash Singh son of Gurnam Singh, Surjit Kaur wife of Gurbaksh Singh, Gurwinder Singh son of Gurbaksh Singh and Veerpal Kaur daughter of Gurbaksh Singh, all resident of village Ramuwala Kalan, Tehsil and District Moga. Now with the intervention of Panchayat and relatives from both the sides, the matter has been compromised and now I do not want to proceed further with the above said criminal case. I have entered into compromise with my free will and without any fear and favour. I have no objection if the above said FIR be quashed.”

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.40 dated 4.5.2016, under Sections 420 and 120 IPC, registered at Police Station Ajitwal, District Moga 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