

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

CRM-M-8900-2017 (O&M)

Date of Decision: 20.07.2017

Pritam Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

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

Present: Mr. Narinder Lucky, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG Punjab.

None for respondent Nos.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under section 482 Cr.P.C. is for quashing of FIR No.207 dated 13.12.2012 under Sections 323, 452, 34, 201 IPC registered at Police Station Shambhu, District Patiala (Annexure P-I) alongwith all consequential proceedings arising therefrom on the basis of compromise dated 08.03.2017 (Annexure P-2).

Vide order dated 16.03.2017, this Court had directed the parties to appear before the trial Court to get their statements recorded and the learned trial Court 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, Rajpura on 03.04.2017 and got their statements recorded. The report dated

05.04.2017 received from the learned Magistrate reveals that the parties have arrived at a compromise voluntarily.

Though today none has put in appearance on behalf of the respondent No.2-complainant Karam Singh but no prejudice would be caused to him as he has already suffered his statement qua the compromise before the learned Magistrate on 03.04.2017 which reads as under :-

“Stated that matter has been compromised with the accused persons with the intervention of respectable persons of locality and now I have no grudge and enmity against the accused persons namely Gurdeep S/o Sohan Singh, Bikramjit Singh S/o Gurdeep Singh, Pritam Singh @ Raja S/o Gurdeep Singh, all residents of Guru Teg Bahadur Colony, Dhakansu Road, Rajpura, PS Shambhu. I entered into the above said compromise voluntarily and without and pressure or coercion on the part of anybody. I do not want to proceed further with the FIR No. 207 dated 13.12.2012 under Section 323, 452, 201, 34 IPC Police Station Shambhu. I have no objection, if the aforesaid FIR is quashed by Hon'ble High Court against the above named accused”.

Apart from this, similar statement has also been made by respondent No.3- Manjit Kaur, whereby she has shown no objection to the FIR being 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 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.207 dated 13.12.2012 under Sections 323, 452, 34, 201 IPC registered at Police Station Shambhu, District Patiala (Annexure P-I) alongwith all consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 08.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.07.2017

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