

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

CRM-M-34539 of 2018.

Decided on:- December 10, 2018.

Usman Khan and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. M.S. Atwal, Advocate
for the petitioners.

Mr. Harpreet S. Multani, A.A.G., Punjab.

Mr. Sunil K. Sahore, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.82 dated 20.04.2017 under Sections 323, 324, 452, 427, 379, 506, 148 and 149 IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.04.2018 (Annexure P-3).

This Court vide order dated 10.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondents No.2 and 3 have appeared before learned Judicial Magistrate 1st

Class, Dasuya and got their statements recorded on 06.08.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.09.2018 to the effect that a genuine compromise has been effected between the petitioners and respondents No.2 ad 3 and no accused has been declared as proclaimed offender in this case.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Mohit Puri. His statement made before learned Magistrate on 06.08.2018 in support of the compromise, reads as under:

“Stated that I am complainant in the present FIR No.82 daed:-20-4-2017 PS Tanda Under Sections:- 452, 323, 324, 427, 379, 506, 148, 149 of the IPC. The said FIR was registered on my statement. With the intervention of the respectables of the locality, compromise has been effected between the parties. The compromise is genuine and voluntarily executed by the parties without any coercion or undue influence. Now both the parties have no grudge against each other. Both the parties have undertaken to live peacefully in future. I have no objection if the above said FIR in the present case is quashed against the accused. I have seen my signatures on the photocopy of the compromise which is already Mark-A. I identify my signatures on the same.”

Similar statement was also made by respondent No.3 Vijay Sahota, who is injured in the case and he has also stated before learned Magistrate that he has no objection if the above said FIR in the present case is quashed against the accused.

Learned State counsel and learned counsel for respondents No.2 and 3 have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.82 dated 20.04.2017 under Sections 323, 324, 452, 427, 379, 506, 148 and 149 IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.04.2018 (Annexure P-3).

December 10, 2018

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No