

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

CRM-M-45421-2016

Date of decision: January 19, 2018

Ashwani Kumar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. Shivender Pal Singh, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.88 dated 19.09.2011, under Sections 325, 323, 34 of Indian Penal Code, registered at Police Station GRP Bathinda, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.10.2016 (Annexure P-2).

This Court vide order dated 19.12.2016 had directed the parties to appear before the learned Additional Sessions Judge, Bathinda to get their statements recorded and the learned Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before the learned Additional Sessions Judge, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Judge has submitted report dated 17.03.2017 to the effect that the compromise arrived at between the parties is valid, with their free will, choice and without any pressure.

Respondent No.2-complainant, namely, Harwinder Singh has made a statement with regard to compromise before learned Judge on 19.01.2017 which reads as under:-

“In this case I am a complainant/injured. The compromise has been effected with accused/petitioners Ashwani Kumar, Naveen Kumar @ Kala, Meghnath and Harmander Singh @ Mundri all residents of Bathinda present in the court today. The compromise has been effected with my free will and choice and without any pressure with the intervention of the respectables.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. and it will amount to abuse of the process of law.

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**, this petition is allowed and F.I.R. No.88 dated 19.09.2011,

under Sections 325, 323, 34 of Indian Penal Code, registered at Police Station GRP Bathinda, Punjab (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 24.10.2016.

January 19, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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