

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

**Criminal Misc. No. M-17181 of 2014 (O & M)
Date of Decision:-11.12.2015**

Rakesh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Rajiv Sharma, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.72 dated 20.4.2008 (Annexure P-1), under Sections 148, 149, 323, 452, 285, 395, 427 and 506 IPC, registered at Police Station Chainsa, District Faridabad alongwith all consequential proceedings on the basis of compromise dated 8.2.2012 (Annexure P-2).

Learned counsel for the petitioners contends that during investigation, offence under Sections 285 and 395 were delted and the petitioners were charge-sheeted under Sections 148, 149, 323, 452, 427 and 506 IPC.

Vide order dated 16.9.2015, this Court has 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 16.9.2015, the parties have appeared before the learned Magistrate on 09.10.2015 for getting their statements recorded.

The report dated 09.10.2015 received from the learned Judicial Magistrate 1st Class, Faridabad, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Surinder Singh before the Judicial Magistrate 1st Class, Faridabad, on 09.10.2015 reads as under :-

“Stated that the matter has been compromised with the accused persons as per compromise deed, which has already been filed before the Hon'ble High Court. The matter has been settled amicably out of my free will without undue threat, pressure or influence. I have no objection if the present FIR against the accused persons is quashed.”

Learned State counsel does not dispute the aforesaid factual position, rather admit 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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.72 dated 20.4.2008 (Annexure P-1), under Sections 148, 149, 323, 452, 285, 395, 427 and 506 IPC, registered at Police Station Chainsa, District Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

December 11, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE