

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

**Criminal Misc. No. M-18123 of 2015
Date of Decision:-14.12.2015**

Raj Kumari

...Petitioner

Versus

State of Punjab and another

...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. B.S. Sohal, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.49 dated 13.11.2010 (Annexure P-1), under Sections 323, 325, 148 and 149 IPC, registered at Police Station Balongi, S.A.S. Nagar (Mohali) alongwith all consequential proceedings on the basis of compromise.

Vide order dated 21.9.2015, 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.

Though the report has not been received from the trial Court,

however, learned counsel for the petitioner has placed on record certified copy of the order dated 29.9.2015, passed by learned Judicial Magistrate 1st Class, Kharar, alongwith copies of statements of the parties.

The order dated 29.9.2015 passed by the learned Judicial Magistrate 1st Class, Kharar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Urmila Devi before the Judicial Magistrate 1st Class, Kharar, on 29.9.2015 reads as under :-

“Stated that on my complaint FIR No.49 dated 13.11.2010, under Sections 323, 325, 148, 149 IPC was registered against Raj Kumari w/o Late Krishan Kumar, Krishan Kumar s/o Puran Chand (since died), Satish Kumar s/o Puran Chand, Deepak Kumar @ Chunnu s/o Krishan Chand, Promila w/o Satish Kumar all residents of Daun, P.S. Balongi, District SAS Nagar. With the intervention of close family friends and relatives a compromise was affected between me and the above mentioned accused persons on 25.5.2015. The said compromise was affected without any undue influence, pressure. I have no objection if the abovenamed FIR No.49 dated 13.11.2010, under Sections 323, 325, 148 and 149 of IPC registered at P.S. Balongi is cancelled/quashed against all the abovenamed accused.”

Learned State counsel on instructions from ASI Sulkshan Singh 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 accepted and FIR No.49 dated 13.11.2010 (Annexure P-1), under Sections 323, 325, 148 and 149 IPC, registered at Police Station Balongi, S.A.S. Nagar (Mohali) and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

December 14, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE