

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

**Criminal Misc. No. M-22573 of 2014
Date of Decision:-10.04.2015**

Bashamber Dass and another

...Petitioners

Versus

State of Punjab 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. Ajay Pal Singh Rehan, Advocate
for the petitioners.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.44 dated 23.8.2011 (Annexure P-1), under Sections 304-A and 337 IPC, registered at Police Station Behrampur, District Gurdaspur, on the basis of compromise dated 29.5.2014.

Vide order dated 20.1.2015, this Court passed the following order :-

“Learned counsel for the respondent No.2 seeks time to file reply.

List again on 10.04.2015.

In the meantime, parties are directed to appear before the trial Court and the trial Court, after recording statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.”

In compliance of the order dated 20.1.2015, the parties have appeared before the learned Magistrate on 3.3..2015 for getting their statements recorded.

The report received from the learned Judicial Magistrate 1st Classs, Gurdaspur, reveals that the compromise has been effected between the parties without any undue pressure or coercion.

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 for an offence punishable under Sections 304-A and 337 IPC 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)**, this petition is accepted and FIR No.44 dated 23.8.2011 (Annexure P-1), under Sections 304-A and 337 IPC, registered at Police

Station Behrampur, District Gurdaspur, and the consequential proceedings arising therefrom are hereby quashed.

April 10, 2015
Vijay Asija

(*HARI PAL VERMA*)
JUDGE