

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

**Criminal Misc. No. M-29634 of 2015
Date of Decision:-30.9.2015**

Chamel Dass and others

...Petitioners

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. Munish Raj, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of cross case i.e. DDR No.31 dated 10.6.2015, under Sections 341 and 323 read with Section 34 IPC, in case FIR No.86 dated 10.6.2015, at Police Station Chhajli, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise/affidavit (Annexure P-3).

Vide order dated 7.9.2015, 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 7.9.2015, the parties have appeared before the learned Magistrate on 23.9.2015 for getting their statements recorded.

The report dated 23.9.2015 received from the learned Judicial Magistrate 1st Class, Sunam, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Beant Singh son of Jagroop Singh before the Judicial Magistrate 1st Class, Sunam, on 23.9.2015 reads as under :-

“Stated that DDR No.31 dated 10.6.2015, under Sections 323 and 341 read with Section 34 IPC in case FIR No.86 dated 10.6.2015 under Sections 323, 341, 148, 149 IPC, P.S. Chhajli was registered on my statement against the accused. I have compromised the matter with the all accused. There are four accused in the present case namely Chamel Dass, Kala Dass @ Baljinder Kumar, Manga Dass, Maghar Singh. The compromise is voluntarily and with free will and without any coercion undue influence or fear. I have no objection if present DDR No.31 dated 10.6.2015 under Sections 323, 341, 34 IPC in case FIR No.86 dated 10.6.2015 under Sections 323, 341, 148, 149 IPC, P.S. Chhajli is quashed. There is no accused P.O. in this case.”

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, the order passed in **Criminal Misc. No. M-21129 of 2015** titled 'Beant Singh and others vs. State of Punjab and another', decided on 18.8.2015 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 DDR No.31 dated 10.6.2015, under Sections 341 and 323 read with Section 34 IPC, in case FIR No.86 dated 10.6.2015, at Police Station Chhajli, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

September 30, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE