

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

**Criminal Misc. No. M-32168 of 2015
Date of Decision:-02.12.2015**

Santokh Singh 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. Mahesh Gupta, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.191 dated 8.10.2014, under Sections 324, 323, 452, 34 IPC, registered at Police Station Sadar, Dhuri, District Sangrur alongwith all consequential proceedings on the basis of compromise in the form of affidavit of respondent No.2-complainant Binder Singh alias Jaswinder Singh dated 09.9.2015 (Annexure P-2).

Vide order dated 19.9.2015 and again on 30.10.2015, 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 30.10.2015, the parties have appeared before the learned Magistrate on 6.11.2015 for getting their statements recorded.

The report dated 7.11.2015 received from the learned Judicial Magistrate 1st Class, Dhuri, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Binder Singh before the Judicial Magistrate 1st Class, Dhuri, on 6.11.2015 reads as under :-

“I had got registered F.I.R. No.191 dated 8.10.2014 under Sections 452, 324, 323, 201, 34 IPC at Police Station Sadar, Dhuri, against accused Santokh Singh son of Jaggar Singh, Harjinder Singh son of Santokh Singh, both residents of village Bardwal and Bhinder Singh @ Bhinda son of Jeet Singh, residents of village Abhaypur. I have entered into a compromise with the above said accused persons with the intervention of respectables and the original compromise is attached with the petition filed before the Hon'ble Punjab and Haryana High Court. I entered into compromise with the accused persons with my own free will and without any pressure or coercion. In this case, no accused is proclaimed offender. I have no objection if on the basis of above said compromise, F.I.R. No.191 dated 8.10.2014 lodged by me against the accused is quashed.”

Learned State counsel on instructions of the Investigating Officer 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.191 dated 8.10.2014, under Sections 324, 323, 452, 34 IPC, registered at Police Station Sadar, Dhuri, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

December 02, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE