

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

**Criminal Misc. No. M-33562 of 2014
Date of Decision:-21.9.2015**

Baljinder Singh and others

...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. D.S. Brar, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. S.S. Brar, Advocate
for respondents No.2 to 5.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of FIR No.54 dated 13.7.2014, under Sections 323, 324 and 506 read with Section 34 IPC (Section 307 IPC added later on), registered at Police Station Rampura Sadar, Bathinda (Annexure P-1) and cross case/DDR No.19 dated 13.7.2014, under Sections 452, 323, 506, 148 and 149 IPC, Police Station Rampura Sadar, Bathinda (Annexure P-2) in the aforesaid FIR and all consequent proceedings arising therefrom, on the basis of Panchayati Rajinama and affidavits (Annexures P-3 to P-5).

Vide order dated 26.9.2014, this Court has directed the parties to appear before the Illaqa Magistrate 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 26.9.2014, the parties have appeared before the learned Magistrate on 27.10.2014 for getting their statements recorded.

The report dated 28.10.2014 received from the learned Sub Divisional Judicial Magistrate, Phul, reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel appearing for respondent No.2 does not dispute the factum of compromise effected between the parties. Statement of injured Baljinder Singh, who got registered the FIR, read as under :-

“Stated that I have got registered FIR No.54 dated 13.7.2014 under Sections 307, 323, 324, 506, 34 IPC, P.S. Sadar Rampura against the accused namely Veerdavinder Singh, Gurdeep Singh, Amaninder Singh, Honey @ Gurkirtan Singh. Now with the intervention of the respectables and common friends I have arrived at compromise with the above said accused of my own free will and consent. I have no grudge against the above said accused and I have no objection in case the FIR in question is quashed.”

Similarly, statement of respondent No.2-Amninder Singh, on whose statement cross version/DDR No.19 dated 13.7.2014 was recorded, read as under :-

“Stated that I have got registered FIR No.54 dated 13.7.2014, under Section 452, 323, 506, 148,

149 IPC, P.S. Sadar Rampura – cross cases DDR No.19 dated 13.7.2014 against the accused namely Baljinder Singh, Prem Singh, Harvinder Singh, Yadwinder Singh and Varinder Singh. Now with the intervention of the respectables and common friends I have arrived at compromise with the above said accused of my own free will and consent. I have no grudge against the above said accused and I have no objection in case the FIR in question 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 **Gian Singh vs. State of Punjab, 2012(4) RCR (Criminal) 543**, **Narinder Singh and others vs. State of Punjab and another 2014(2) RCR (Criminal) 482** and **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)**, this petition is accepted and FIR No.54 dated 13.7.2014, under Sections 323, 324 and 506 read with Section 34 IPC (Section 307 IPC added later on), registered at Police Station Rampura Sadar, Bathinda (Annexure P-1) and cross case/DDR No.19 dated 13.7.2014, under Sections 452, 323, 506, 148 and 149 IPC, Police

Station Rampura Sadar, Bathinda (Annexure P-2) in the aforesaid FIR and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

September 21, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE