

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

**Criminal Misc. No. M-37583 of 2015
Date of Decision:-21.12.2015**

Amarjit 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. Karan Choudhary, 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.125 dated 2.12.2010, under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Shri Hargobindpur, District Batala alongwith all consequential proceedings on the basis of compromise/statement dated 1.9.2015 and 18.9.2015 [Annexures P-6 (colly) & P-7 (colly)].

Vide order dated 3.11.2015, 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 3.11.2015, the parties have appeared before the learned Magistrate on 26.11.2015 for getting their statements recorded.

The report dated 27.11.2015 received from the learned Judicial Magistrate 1st Class, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by Gurpreet Singh son of complainant Satnam Singh before the Judicial Magistrate 1st Class, Batala, on 26.11.2015 reads as under :-

“Stated that I have compromised the matter with the accused persons namely Amarjit Singh, Nirmal Singh and Gurdial Singh with the intervention of the respectables and I have no objection if FIR No.125 dated 02.12.2010 under Sections 323, 324, 326, 148, 149 of IPC, Police Station Shri Hargobindpur, Batala be quashed. I have given my statement with my free will and without any coercion and any pressure.”

Injured Sarabjit Kaur also suffered the same statement before the learned Judicial Magistrate 1st Class, Batala on 26.11.2015.

Learned State counsel on instructions from ASI Vijay Kumar does not dispute the factum of compromise effected between the parties. He submits that even otherwise challan has been presented only against petitioner No.1-Amarjit Singh and petitioner No.2-Nirmal Singh, whereas petitioner No.3-Gurdial Singh has been found innocent during the investigation. Learned State counsel further submits that during the trial, the complainant namely Satnam Singh died and after his death, respondents No.2 and 3 namely Gurpreet Singh s/o Satnam Singh and

Sarabjit Kaur w/o Satnam Singh have made statements before the Court that they have no objection if the FIR in question is quashed.

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 allowed and FIR No.125 dated 2.12.2010, under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Shri Hargobindpur, District Batala and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

December 21, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE