

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

CRM-M-No.3912 of 2015
Date of decision: 07.04.2015

Gurmail Singh and others

-----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

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. Gaurav Sharma, Advocate
for the petitioner(s).

Mr. Sultan Singh, Deputy Advocate General, Punjab.

Mr. Anterpreet Singh, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.9, dated 05.02.2014, under Sections 324, 323 and 34 of Indian Penal Code, registered at Police Station, Tappa Mandi, District-Barnala(Annexure P-1), and all subsequent proceedings arising therefrom on the basis of compromise dated 08.02.2014(Annexure P-2).

On 06.02.2015, this Court has passed the following order:-

"Notice of motion for 07.04.2015.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice. A complete copy of the paper book has been handed over to the learned State counsel, in the Court.

The parties shall appear before the learned Illaqa Magistrate/Chief Judicial Magistrate, on

11.03.2015, to get their statements recorded regarding the veracity of the compromise.

The learned Court, after recording the statements, will send a report regarding the genuineness of the compromise being arrived at between the parties, along with the statements, to the Registrar Judicial of this Court, within a week thereafter. The Court shall also report as to whether the present petition has been filed on behalf of all the accused and whether any of the accused has been declared proclaimed offender in the present FIR ? A copy of the report be also sent through fax."

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Barnala, has submitted a report dated 12.03.2015, vide which, it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them without any pressure and coercion or undue influence.

Learned State counsel has also admitted the factum of compromise effected between the parties. After perusing the statements of the parties and the report of Chief Judicial Magistrate, Barnala, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 324, 323 and 34 of Indian Penal Code. They have now amicably effected a compromise with the complainant. The learned Chief Judicial Magistrate, Barnala, has recorded the statements of the parties with regard to compromise and report has also been received in this regard. Therefore,

continuation of the trial arising out of the impugned FIR would be a sheer abuse of the process of law because chances of conviction of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment of this Court in the case of **Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal), 1052, (P&H)**, this petition is accepted and FIR No.9, dated 05.02.2014, under Sections 324, 323 and 34 of Indian Penal Code, registered at Police Station, Tappa Mandi, District-Barnala(Annexure P-1), and all subsequent proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

April 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE