

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

**Criminal Misc. No. M-3994 of 2015
Date of Decision:-05.5.2015**

Suraj Rana 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. Narinder S. Lucky, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of DDR No.3-A dated 30.5.2010, under Sections 323, 324, 148, 149 and 326 IPC (added later on vide DDR entry No.32-A dated 4.6.2010), registered at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) in case FIR No.89 dated 29.5.2010, registered at Police Station Garshankar, District Hoshiarpur, on the basis of compromise dated 17.11.2014 (Annexure P-2).

On 09.2.2015, this Court passed the following order :-

“Issue notice of motion to the respondents,

returnable for 5.5.2015.

In the meantime, parties are directed to get their statements recorded before the trial Court and the trial Court is directed to send the report with regard to the validity or otherwise of the compromise, after recording the statements of all the concerned parties before the next date of hearing.”

In compliance of the order dated 09.2.2015, the parties have appeared before the learned Magistrate on 09.4.2015 for getting their statements recorded.

The report received from the learned Sub Divisional Judicial Magistrate, Garhshankar, reveals that the compromise has been effected between the parties is with their own sweet will and without any coercion or duress.

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 for an offence punishable under Sections 323, 324, 148, 149 and 326 IPC 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 dated 17.11.2014 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), this petition is accepted and DDR No.3-A dated 30.5.2010, under Sections 323, 324, 148, 149 and 326 IPC (added later on vide DDR entry No.32-A dated 4.6.2010), registered at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) in case FIR No.89 dated 29.5.2010, registered at Police Station Garshankar, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed.

May 05, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE