

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-4721 of 2015
Date of Decision: 05.10.2015

Balwinder Singh & others

...Petitioner(s)

Versus

State of Punjab & others

...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. Vivek Goel, Advocate
for the petitioner (s).

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.146 dated 18.6.2005 under Sections 324, 148 and 149 IPC (Section 326 and 323 IPC added later on) registered at Police Station Baghapurana, District Moga (Annexure P-1) on the basis of compromise dated 30.12.2014 (Annexure P-2).

This Court vide order dated 12.2.2015 had directed the parties to appear before the trial Court to get their statements

recorded with regard to compromise dated 30.12.2014 (Annexure P2) and the trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 12.2.2015, the parties have appeared before Additional Chief Judicial Magistrate, Moga and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 14.5.2015 to the effect that the compromise is genuine, voluntary, out of their own free will and without any coercion in any manner.

Learned State counsel, on instructions from HC Baljit Singh, does not dispute the aforesaid factum of compromise, however, submits that in the present case, initially, the police had submitted cancellation report but the same was not accepted by the trial Court and the matter was sent for further investigation.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.146 dated 18.6.2005 under Sections 324, 148 and 149 IPC (Section 326 and 323 IPC added later on) registered at

Police Station Baghapurana, District Moga (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise dated 30.12.2014 (Annexure P-2).

October 05, 2015
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(HARI PAL VERMA)
JUDGE