

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-5670 of 2015 (O&M)

Date of Decision: 28.10.2015

Bhim Chand & 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. Vaibhav Sehgal, Advocate
for the petitioner (s).

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.36 dated 8.4.2011 under Sections 323, 341, 506, 149 of the Indian Penal Code, 1860 registered at Police Station Division No.3, District Ludhiana (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise/affidavit dated 16.1.2015 (Annexure P-2).

This Court vide order dated 1.10.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 1.10.2015, the parties have appeared before Judicial Magistrate Ist Class, Ludhiana and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 20.10.2015 to the effect that the compromise is genuine and the same has been arrived at out of their free will without any pressure or coercion in any manner. The joint statement of Vinod Jain, Kiran Jain and Richi Jain, respondents no.2 to 4 respectively, reads as under:-

“Stated that FIR No.36 dated 08.04.2011 U/s 323/341/506/149 IPC, P.S. Div.No.3 was registered on statement of Vinod Jain. We have compromised matter with accused Bhim Chand S/o Late Karam Chand R/o H.No.335, Rehmat Ulla Road, Hira Halwai Chowk, Ludhiana, Ram Rakha S/o Late Karam Chand, R/o Roopa Mistri Gali, Ludhiana, Johnney S/o Ram Rakha R/o Roopa Mistri Gali, Ludhiana, Gaurav S/o Bhim Chand R/o H.No.355, Rehmat Ulla Road, Hira Halwai Chowk, Ludhiana, Chintu S/o Ram Rakha, Caste Rajput, R/o H.No.2888, Gali No.12, New Madhopuri, Ludhiana, Lattu Ram @ Lattu S/o Ami Chand R/o 668, Gulchaman Gali, near Gurudwara, Ludhiana, Vinay Kumar S/o Resham Lal R/o H.No.2044/5, Mohalla Ambedkar Nagar, Baba Than Singh Chowk, Ludhiana with our free will and without any pressure. We have no objection if above FIR is quashed on the basis of compromise by Hon’ble Punjab & Haryana High Court.

RO & AC
Sd/- Vinod Jain
Sd/- Richi Jain
Sd/- Kiran Jain”

Sd/-
(Anish Goyal)
JMIC Ldh., 16.10.2015

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.36 dated 8.4.2011 under Sections 323, 341, 506, 149 of the Indian Penal Code, 1860 registered at Police Station Division No.3, District Ludhiana (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise/affidavit dated 16.1.2015 (Annexure P-2).

October 28, 2015
AK

(HARI PAL VERMA)
JUDGE