

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

**Criminal Misc. No. M-11589 of 2016
Date of Decision:-01.06.2016**

Randeep Singh @ Hardeep Singh

...Petitioner

Versus

State of Punjab and another

...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. A.S. Gill, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

Mr. F.S. Virk, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.414 dated 3.8.2006 (Annexure P-1), under Sections 323, 324, 452, 427, 148 and 149 IPC, registered at Police Station Sadar (now Police Station Maqsudan), District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise 30.11.2014 (Annexure P-3).

Vide order dated 5.4.2016, this Court had 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 5.4.2016, the parties have appeared before the learned Magistrate on 30.4.2016 for getting their statements recorded.

The report dated 4.5.2016 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jaswant Singh before the JMJC, Jalandhar, on 30.4.2016 reads as under :-

“Stated that on the basis of my statement, present FIR having No.414 dated 3.8.2006, under Sections 323, 324, 452, 427, 148, 149 IPC, P.S. Sadar, (now P.S. Maqsudan), Jalandhar has been registered against accused persons namely Randeep Singh @ Hardeep Singh, Manpreet Singh, both sons of Sat Pal Singh, Dharaminder Singh son of Joginder Singh, all residents of Village Kabulpur, Tehsil and District Jalandhar. Now, I have entered into compromise on 15.3.2016 with Randeep Singh @ Hardeep Singh with the intervention of the respectable of the area, photocopy of which is Ex.C1. Earlier on 30.11.2014, I have also entered into compromise with other co-accused namely Manpreet Singh and Dharaminder Singh, the copy of same is Ex.C2. Both compromise Ex.C1 and Ex.C2 bears my signatures, which have been effected without any pressure or coercion. On basis of compromise

Ex.C2, I withdraw the main case bearing CRR-3907-2012 on 17.12.2014 from the Hon'ble High Court, which was filed against co-accused Manpreet Singh and Dharminder Singh. The photocopy of order dated 17.12.2014 is Ex.C3. On the basis of compromise dated 15.3.2016 i.e. Ex.C1 the aforesaid FIR may be quashed. I have not declared as Proclaimed offender in any of the case and no other criminal case is pending against me or either of party. The compromise effected between the parties will not affect any adverse effect on the rights of third party. The copy of my identity proof is Ex.C4.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties and states that mother of respondent No.2 complainant was not injured as referred in the FIR.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

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 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 as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.414 dated 3.8.2006 (Annexure P-1), under Sections 323, 324, 452, 427, 148 and 149 IPC, registered at Police Station Sadar (now Police Station Maqsudan), District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

June 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE