

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

Criminal Misc. No. M-1354 of 2016

Date of Decision:-05.04.2016

Kundan Singh 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. M.S. Atwal, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. Navjot Singh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Through the present petition filed under Section 482 Cr.P.C, the petitioners have prayed for quashing of DDR No.31 dated 16.12.2015, under Sections 307, 323, 148 and 149 IPC and under Section 25 of the Arms Act, registered at Police Station Model Town, district Hoshiarpur (Annexure P-1) in FIR No.261 dated 15.12.2015, under Sections 323, 324, 452, 307, 148 and 149 IPC and under Section 25 of the Arms Act, registered at Police Station Model Town, District Hoshiarpur and all the proceedings

subsequent arising thereto on the basis of compromise dated 23.12.2015 (Annexure P-4).

Learned counsel for the petitioners submits that the case of the petitioners falls within the parameters laid down by Hon'ble Apex Court in **Narinder Singh & others vs. State of Punjab and another 2014(2) RCR (Criminal) 482** as quashing was sought at the initial stage and more particularly when the FIR is at investigation stage.

Vide order dated 28.1.2016, 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 28.1.2016, the parties have appeared before the learned Magistrate on 19.2.2016 for getting their statements recorded.

The report dated 26.2.2016 received from the learned Chief Judicial Magistrate, Hoshiarpur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by respondent No.2-complainant Sukhjit Singh Parmar before the Chief Judicial Magistrate, Hoshiarpur, on 19.2.2016 reads as under :-

“The DDR No.31 dated 16.12.2015 under

Sections 307, 323, 148, 149 IPC and under Section 25-54-59 of Arms Act, was registered at P.S. Model Town, Hoshiarpur against Kundan Singh, Ravinderjit Kaur, Haramjit Singh, Gurdeep Singh @ Kaka, Sukhwinder Singh @ Sukha and Muskan on my statement. Now, with the intervention of respectables the dispute between me and accused has been settled amicably and volutarily as pere compromise deed, which is submitted before the Hon'ble High Court. Now, there is no dispute between me and the accused party. We have no grudge against each other. The compromise is effected for the welfare of the parties. The compromise has been effected without any fear, threat, pressure or coercion and is with my own sweet will. I have no objection, if the above said DDR is quashed.”

Respondent No.3 has also made a similar statement before the learned Magistrate.

Learned counsel appearing for respondents No.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties. He on instructions from ASI Surender Singh submits that the case is at the investigation stage.

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 the 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** as well as in **Narinder Singh and others vs. State of Punjab and another 2014(2) RCR (Criminal) 482**, this petition is allowed and DDR No.31 dated 16.12.2015, under Sections 307, 323, 148 and 149 IPC and under Section 25 of the Arms Act, registered at Police Station Model Town, district Hoshiarpur (Annexure P-1) in FIR No.261 dated 15.12.2015, under Sections 323, 324, 452, 307, 148 and 149 IPC and under Section 25 of the Arms Act, registered at Police Station Model Town, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 05, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE