

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

Criminal Misc. No. M-17881 of 2016

Date of Decision:-24.05.2016

Om Parkash and others

...Petitioners

Versus

State of Haryana 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. H.P.S. Bhinder , Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Deepak Kaushal , Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of cross case in FIR No.410 dated 16.10.2012 (Annexure P-1), under Sections 323, 506, 34 IPC registered at Police Station City Dabwali, District Sirsa vide DDR No.30 dated 17.10.2012 (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromise dated 7.11.2015 (Annexure P-4).

Vide order dated 10.12.2015 passed in Criminal Misc. No. M-

41781 of 2015 titled 'Lalit Kumar alias Lovely vs. State of Haryana and others', 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 10.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 24.12.2015 received from the learned Judicial Magistrate 1st Class, Dabwali, reveals that the compromise has been effected between the parties without any undue pressure.

The statement of complainant Lalit Kumar alias Lovely was recorded before the learned Judicial Magistrate 1st Class, Dabwali on 24.12.2015. The relevant part of the report read as under :-

“Complainant Lalit Kumar alias Lovely made statement that the matter has been compromised and written compromise is Ex.CA and he has no objection if the case is decided as per compromise Ex.CA. Thereafter, statement of accused Om Parkash and Ashok Kumar have also been recorded and they have also stated that the matter has been compromised and case be decided as per compromise Ex.CA. Both of the parties were identified by their respective learned counsels. It appears that the compromise arrived between the parties is with their free will and for benefit of both the parties.”

Learned counsel appearing for respondent No.2 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.

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 cross case in aforesaid 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 the cross case in FIR No.410 dated 16.10.2012 (Annexure P-1), under Sections 323, 506, 34 IPC registered at Police Station City Dabwali, District Sirsa vide DDR No.30 dated 17.10.2012 (Annexure P-2) and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

May 24, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE