

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

**Criminal Misc. No. M-17409 of 2015
Date of Decision:-11.01.2016**

Rahul and another

...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. Sandeep Sharma, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. G.S. Dhillon, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.316 dated 5.10.2013, under Sections 323, 341, 506, 148 and 149 IPC (Sections 324 and 326 added later on), registered at Police Station 'A' Division, District Amritsar (Annexure P-1) alongwith all consequential proceedings on the basis of compromise dated 3.1.2015 (Annexure P-2).

Vide order dated 28.10.2015, this Court has 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 28.10.2015, the parties have appeared before the learned Magistrate on 23.12.2015 for getting their statements recorded.

The report dated 4.1.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sagar @ Luri before the Judicial Magistrate 1st Class, Amritsar on 23.12.2015 reads as under :-

“Stated that I have heard the statements of both accused present in the Court today, which are correct. I have compromised the matter with the accused as per written compromise dated 2.1.2015, which has already been submitted before the Hon'ble High Court in quashing petition preferred by them, voluntarily, without any threat, fear or coercion from any corner. I have no objection if the present FIR registered against all the accused may be quashed.”

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel does not dispute the aforesaid factual position, rather admit 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 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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.316 dated 5.10.2013, under Sections 323, 341, 506, 148 and 149 IPC (Sections 324 and 326 added later on), registered at Police Station 'A' Division, District Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

January 11, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE