

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

**Criminal Misc. No. M-2035 of 2016
Date of Decision:-05.04.2016**

Baljinder 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. Vivek K. Thakur, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. A.S. Khinda, Advocate for
Mr. Vishal Satija, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.41 dated 26.6.2010, under Sections 307, 326, 323, 341, 506, 148, 149 IPC, registered at Police Station Chabbewal, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner submits that the

case of the petitioner 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 though the challan in this case has been presented but the evidence of the prosecution is yet to start.

Vide order dated 1.3.2016, this Court had directed the parties to appear before the 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 1.3.2016, the parties have appeared before the learned Magistrate on 17.3.2016 for getting their statements recorded.

The report dated 18.3.2016 received from the learned Judicial Magistrate 1st Class, Hoshiarpur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Surinder Singh before the Judicial Magistrate 1st Class, Hoshiarpur, on 17.3.2016 reads as under :-

“Stated that a case FIR No.41 dated 26.6.2010 under Sections 307, 326, 323, 341, 506, 148 and 149 IPC was registered on my statement against petitioner/accused Baljinder Singh and others. The FIR qua remaining accused i.e. Harpreet Singh, jatinder Kumar and Jaswinder Singh @ Nikka have already been quashed.

Now, with the intervention of respectable and relations of the parties, I have effected compromise with accused/petitioner Baljinder Singh vide compromise. I have no objection if the present FIR and its subsequent proceedings are quashed against accused/petitioner Baljinder Singh and he is acquitted/discharged. The compromise is genuine, without any pressure or coercion.”

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 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 *Narinder Singh and others*

vs. State of Punjab and another 2014(2) RCR (Criminal) 482, this petition is allowed and FIR No.41 dated 26.6.2010, under Sections 307, 326, 323, 341, 506, 148, 149 IPC, registered at Police Station Chabbewal, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

The petition stands disposed of.

April 05, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE