

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

Criminal Misc. No. M-24726 of 2015

Date of Decision:-01.04.2016

Reeta and others

...Petitioners

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. Narinder Singh Dadwal, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.68 dated 15.5.2012 under Sections 323, 451, 506, 148 and 149 IPC, registered at Police Station Daba, Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 22.7.2015 (Annexure P-2).

Vide order dated 7.9.2015, 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 7.9.2015, the parties

have appeared before the learned Magistrate on 1.10.2015 for getting their statements recorded.

The report dated 19.10.2015 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sham Lal before the Judicial Magistrate 1st Class, Ludhiana, on 1.10.2015 reads as under :-

“I have got registered FIR No.68 dated 15.5.2012, under Sections 323, 451, 506, 148 and 149 IPC, registered at P.S. Daba against accused Parminder Gahlot, rohit Kumar Pandey, Umesh Kumar and Reeta Rani. I have entered into compromise with accused Reeta Rani, Parminder Gahlot and Rohit Kumar Pandey in said case. Accused persons have filed quashing before Hon'ble Punjab and Haryana High Court, Chandigarh against my above said case, I have no objection if the above said FIR is quashed against above named accused persons. I am deposing without any undue influence, coercion and pressure.

Accused Umesh Kumar has been declared proclaimed offender in the present case and I have not compromised with said accused Umes Kumar.”

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected

between the parties. He further states that none of the petitioners is proclaimed offender but the co-accused namely, Umesh Kumar has been declared proclaimed offender by the trial Court. However, said Umesh Kumar is not a petitioner in the present petition.

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**, this petition is **accepted** and FIR No.68 dated 15.5.2012 under Sections 323, 451, 506, 148 and 149 IPC, registered at Police Station Daba, Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise dated 22.7.2015 (Annexure P-2).

April 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE