

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

Criminal Misc. No. M-24776 of 2015

Date of Decision:-04.04.2016

Gaggi Lahoria alias Gagandeep Singh 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. A.K. Khunger, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Harpal Singh, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.91 dated 14.9.2014, under Sections 452, 382, 323, 148, 149 IPC (Annexure P-1), registered at Police Station City-2, Abohar, District Fazilka along with all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 7.10.2014 (Annexures P-2 and P-3 respectively).

Vide order dated 09.2.2016, 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 09.2.2016, the parties have appeared before the learned Magistrate on 26.2.2016 for getting their statements recorded.

The report dated 1.3.2016 received from the learned Judicial Magistrate 1st Class, Abohar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Deepak Popli before the Judicial Magistrate 1st Class, Abohar, on 26.2.2016 reads as under :-

“Stated that the present case bearing FIR No.91 dated 14.9.2014, P.S. City-II, Abohar under Sections 452, 382, 323, 148, 149 IPC was registered at my instance. Now, with the intervention of Panchayat, I have compromised with the accused party. The compromise between us is without any pressure or coercion and is with my free sweet will and is genuine one and I have also filed an affidavit in regard to compromise before the Hon'ble Court in our petition and now the accused filed a petition bearing No.CRM-M-24776 of 2015 for quashing of the FIR on the basis of compromise. I have no objection if the FIR may be quashed by the Court on the basis of compromise. Copy of compromise deed is Ex.PX on it I identify my signatures.”

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 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 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.91 dated 14.9.2014, under Sections 452, 382, 323, 148, 149 IPC (Annexure P-1), registered at Police Station City-2, Abohar, District Fazilka and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 04, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE