

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

**Criminal Misc. No. M-3171 of 2016
Date of Decision:-05.04.2016**

Mohd. Naseer Shah

...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. Mohd. Salim, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.31 dated 4.5.2015, under Sections 323 and 324 IPC, registered at Police Station City, Malerkotla, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 1.6.2015 (Annexure P-2).

Vide order dated 29.1.2016, 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 29.1.2016, the parties have appeared before the learned Magistrate on 15.3.2016 for getting their statements recorded.

The report dated 18.3.2016 received from the learned Sub Divisional Judicial Magistrate, Malerkotla, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Mohd. Irfan before the SDJM, Malerkotla, on 15.3.2016 reads as under :-

“The FIR No.31 dated 4.5.2015, under Sections 323 and 324 IPC was registered at Police Station City, Malerkotla on the basis of my statement against accused Mohd. Naseer Shah, son of Mohd. Hafiz, resident of village Dhanaula, District Barnala. The matter in dispute qua FIR referred above has been compromised between me and accused with the intervention of respectables, relatives. The compromise is genuine, voluntary and without any coercion and undue influence. The photocopy of compromise is Mark 'A'. In view of the compromise, I have no objection if the present FIR is quashed and the quashing petition filed by the accused before Hon'ble High Court is accepted. No other case/proceeding is pending against me or between the parties in this Court or in any other Court.”

Learned State counsel 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 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 FIR No.31 dated 4.5.2015, under Sections 323 and 324 IPC, registered at Police Station City, Malerkotla, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 05, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE