

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

**Criminal Misc. No. M-31389 of 2015
Date of Decision:-18.01.2016**

Karnail Singh Raju 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. Ritesh Pandey, Advocate for
Mr. Ranjit Singh, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. A.S. Bhatti, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of cross case i.e. DDR No.1143, report No.20 dated 1.6.2013 under Sections 323, 452, 427, 148 and 149 IPC in FIR No.64 dated 13.5.2013, under Sections 323, 341, 148 and 149 IPC, registered at Police Station Mahilpur, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3).

Vide order dated 16.9.2015, 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 16.9.2015, the parties have appeared before the learned Magistrate on 17.9.2015 for getting their statements recorded.

The report dated 23.9.2015 received from the learned Judicial Magistrate 1st Class, Garhshankar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Simarjit Kaur before the Judicial Magistrate 1st Class, Garhshankar, on 17.9.2015 reads as under :-

“Stated that DDR No.1143, report No.20 dated 1.6.2013 under Sections 452, 323, 427, 148 and 149 IPC was got registered by me against Karnail Singh Raju and others at Police Station Mahilpur. In the said case compromise has been effected between the petitioner and the respondents and the same is without any threat and undue influence, coercion. Compromise has been effected voluntarily with the interventions of the respectables. On the basis of compromise CRM No.31389 of 2015 has been filed in the Hon'ble High Court for quashing of the said DDR. I have no objection if the said DDR is quashed.”

Learned counsel appearing for the private respondents does not dispute the fact of compromise effected between the parties.

Learned State counsel on instructions of HC Budh Singh does not dispute the aforesaid factual position, rather admit the factum of

compromise effected between the parties. She further submits that the police has also prepared the cancellation report in the case.

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 accepted and cross case i.e. DDR No.1143, report No.20 dated 1.6.2013 under Sections 323, 452, 427, 148 and 149 IPC in FIR No.64 dated 13.5.2013, under Sections 323, 341, 148 and 149 IPC, registered at Police Station Mahilpur, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

January 18, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE