

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

Criminal Misc. No. M-35128 of 2015

Date of Decision:-04.04.2016

Mohinder Singh and others

...Petitioners

Versus

State of Haryana and others

...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. Sunny Singla, Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. Saurabh Bhardwaj, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.384 dated 16.11.2011, under Sections 148, 149, 323, 324, 452, 506 IPC, registered at Police Station Mahesh Nagar, Ambala along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 14.10.2015, 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 14.10.2015, the parties have appeared before the learned Magistrate on 6.11.2015 for getting their statements recorded.

The report dated 18.11.2015 received from the learned Judicial Magistrate 1st Class, Ambala, reveals that the compromise has been effected between the parties without any undue pressure.

Complainant Sunita Saini appeared before the learned Magistrate on 6.11.2015 and recorded her statement regarding compromising the matter with the accused persons.

Learned counsel appearing for respondent Nos.2 to 4 states that no injury was caused to respondents No.3 Ashok Saini and respondent No.4 Sanjeev Saini. It is only respondent No.2- Sunita Saini, who was injured. He 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.384 dated 16.11.2011, under Sections 148, 149, 323, 324, 452, 506 IPC, registered at Police Station Mahesh Nagar, Ambala 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