

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

**Criminal Misc. No. M-35618 of 2015
Date of Decision:-22.01.2016**

Khalil 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. Shiva Khurmi, Advocate for
Mr. Sarfraj Hussain, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.490 dated 27.9.2012, under Sections 148, 149, 323 and 452 IPC, registered at Police Station Sector 55, Faridabad (Annexure P-1) alongwith all consequential proceedings on the basis of compromise (Annexure P-2).

Vide order dated 15.10.2015, this Court has 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 15.10.2015, the parties have

appeared before the learned Magistrate on 2.11.2015 for getting their statements recorded.

The report dated 19.11.2015 received from the learned Judicial Magistrate 1st Class, Faridabad, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant Salim and others before the Judicial Magistrate 1st Class, Faridabad on 2.11.2015 reads as under :-

“Stated that we have compromised the matter with the accused persons namely Khalil, Salil, Mubarik, Samim, Sharif, Budhan and Sehjad as per compromise Ex.C1 and we have no objection if the present FIR may kindly be quashed against the accused persons namely Khalil, Salil, Mubarik, Samim, Sharif, Budhan and Sehjad and we do not want to continue the criminal proceedings arisen from the present FIR against the above named accused. This statement is voluntarily given by us without any kind of pressure, undue influence and coercion.”

Learned State counsel 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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.490 dated 27.9.2012, under Sections 148, 149, 323 and 452 IPC, registered at Police Station Sector 55, Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

January 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE