

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

Criminal Misc. No. M-3858 of 2016

Date of Decision:-06.04.2016

Pardeep Kumar @ Happy

...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. A.K.Kansal, Advocate for
Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. Abhimanyu Vinayak, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.170 dated 09.7.2012, under Sections 452 and 324 IPC (Sections 326, 148 and 149 IPC added later on), registered at Police Station Nakodar, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 3.2.2016, this Court had 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 3.2.2016, the parties have appeared before the learned Magistrate on 23.2.2016 for getting their statements recorded.

The report dated 2.3.2016 received from the learned Sub Divisional Judicial Magistrate, Nakodar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Balvir before the SDJM, Nakodar, on 23.2.2016 reads as under :-

“I am complainant in the case FIR No.170 dated 9.7.2012, under Sections 452, 324, 326, 148, 149 IPC, P.S. Sadar Nakodar, District Jalandhar, and the said FIR was lodged by me against the accused Pardeep Kumar @ Happy son of Sucha Ram resident of Village Sahim, Tehsil Nakodar, District Jalandhar. I have entered into a compromise with above said accused who is present in the Court today, with my free will and without any kind of pressure. I have no objection of such FIR & subsequent proceedings in question are quashed against the said accused by the Hon'ble High Court..”

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 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.170 dated 09.7.2012, under Sections 452 and 324 IPC (Sections 326, 148 and 149 IPC added later on), registered at Police Station Nakodar, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE