

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

Criminal Misc. No. M-38097 of 2015

Date of Decision:-12.04.2016

Preet @ Sarbpreet Khanna 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. G.S. Jossan, Advocate
for the petitioners.

Mr. Sandeep Kumar Bansal, AAG, Punjab.

Mr. Gagan Bajaj, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.142 dated 9.7.2015, under Sections 342, 323, 380, 506, 148 and 149 IPC, registered at Police Station City Ferozepur, District Ferozepur along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 2.2.2016, 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 2.2.2016, the parties have appeared before the learned Magistrate on 26.2.2016 for getting their statements recorded.

The report dated 3.3.2016 received from the learned Chief Judicial Magistrate, Ferozepur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Baltej Singh before the CJM, Ferozepur, on 26.2.2016 reads as under :-

“Stated that I have effected compromise with petitioners/accused Preet @ Sarbpreet Khanna, Mani @ Nirmal Khanna and Davinder Singh Jung in case FIR No.142 dated 9.7.2015, under Sections 342, 323, 380, 506, 148 and 149 IPC, Police Station City Ferozepur with the intervention of the respectables of locality without any inducement, pressure, threat or coercion. The compromise is genuine, voluntary, without any coercion or undue influence. I have no objection if the present FIR is quashed..”

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.142 dated 9.7.2015, under Sections 342, 323, 380, 506, 148 and 149 IPC, registered at Police Station City Ferozepur, District Ferozepur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE