

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

**Criminal Misc. No. M-38162 of 2015
Date of Decision:-02.02.2016**

Farukhan and others

...Petitioners

Versus

State of U.T. Chandigarh 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. Mohd. Salim, Advocate
for the petitioners.

Mr. A.S. Gulati, Advocate for
Mr. A.S. Sullar, Additional Public Prosecutor
for respondent No.1-U.T. Chandigarh.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.547 dated 10.10.2015, under Sections 147, 148, 149, 323, 354, 506, 34 IPC, registered at Police Station Manimazra, District Chandigarh (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 28.10.2015 (Annexure P-2).

Vide order dated 17.11.2015, 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 17.11.2015, the parties have appeared before the learned Magistrate on 08.12.2015 for getting their statements recorded.

The report dated 18.12.2015 received from the learned Judicial Magistrate 1st Class, Chandigarh, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Shakir Ali before the Judicial Magistrate 1st Class, Chandigarh, on 08.12.2015 reads as under :-

"I have voluntarily compromised with the accused Farukhan, Nadim, Wazid, Irfan, Purkhan and Kaku and I have no objection if the FIR No.547 dated 10.10.2015, under Sections 147, 148, 149, 323, 354, 506, 34 IPC, P.S. Manimajra, Chandigarh be quashed. I am giving my statement without any pressure, coercion and undue influence."

Learned counsel appearing for the U.T. Chandigarh 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 accepted and FIR No.547 dated 10.10.2015, under Sections 147, 148, 149, 323, 354, 506, 34 IPC, registered at Police Station Manimazra, District Chandigarh and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

February 02, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE