

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

Criminal Misc. No. M-38265 of 2015

Date of Decision:-05.04.2016

Balkar Singh 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. Aminder Singh, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. A.S. Sandhu, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.97 dated 1.9.2014 (Annexure P-1), under Sections 294, 354, 34 IPC, registered at Police Station Longowal, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 6.11.2015, 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 6.11.2015, the parties have appeared before the learned Magistrate on 08.1.2016 for getting their statements recorded.

The report dated 18.1.2016 received from the learned Judicial Magistrate 1st Class, Sangrur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kiranjeet Kaur before the Judicial Magistrate 1st Class, Sangrur, on 8.1.2016 reads as under :-

“Stated that an FIR No.97 dated 1.9.2014, under Sections 294, 354, 120-B, 34 IPC was registered against Balkar Singh son of Nath Singh, Mandeep Singh @ Raju son of Maghar Singh, Raghvir Singh @ Mangu son of Bhagwan Singh, Dharminder Singh son of Daljit Singh, Jasvir Singh @ Jassi son of Bhola Singh all residents of Satauj P.S. Dharamgarh. As we are all residents of same locality in view of that a compromise has been effected with the intervention of respectables. I do not want to proceed further against all the accused. I have made this statement without any pressure and coercion if the FIR against all these persons quashed then I have no objection.”

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 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 allowed and FIR No.97 dated 1.9.2014 (Annexure P-1), under Sections 294, 354, 34 IPC, registered at Police Station Longowal, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise (Annexure P-2).

The petition stands disposed of.

April 05, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

