

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

**Criminal Misc. No. M-38670 of 2015
Date of Decision:-02.02.2016**

Mastan Singh and others

...Petitioners

Versus

State of Punjab 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. H.S. Batth, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. Sanjeev Kumar, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.87 dated 31.5.2009, under Sections 326, 324, 323, 148 and 149 IPC, registered at Police Station Patti, Tehsil Patti, District Tarn Taran (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (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 12.12.2015 received from the learned Sub Divisional Judicial Magistrate, Patti, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant-Pargat Singh and injured Karam Singh before the Sub Divisional Judicial Magistrate, Patti, on 08.12.2015 reads as under :-

"Stated that the case FIR No.87 dated 31.5.2009, under Sections 326, 324, 323, 148, 149 IPC, P.S. Patti was registered on our statement against accused 1. Mastan Singh son of Meja Singh, 2. Sukhwinder Singh son of Mastan Singh, 3. Sarwan Singh son of Puran Singh, 4. Angrej Singh son of Puran Singh, 5. Balwant Singh son of Fauja Singh and 6. Ranjit Singh @ Rana son of Kulwant Singh, all residents of Village Jauhra, Tehsil Patti, District Tarn Taran. Now with the intervention of respectables, the matter has been compromised to our satisfaction. Now we have no grudge against the accused party and we have no objection, if FIR No.87 dated 31.5.2009, under Sections 326, 324, 323, 148, 149 IPC, P.S. Patti against the accused are quashed by the Hon'ble High Court. We are an educated person. We know our good or bad. We have compromised the matter with our sweet will and without any undue influence and without pressure from any peerson. Attested photocopy of Adhar Card of Complainant Pargat Singh is Ex.CW7 and attested copy of Adhar Card of

complainant Karam Singh is Ex.CW8 are issued by Govt. of India as identity proof.”

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

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 accepted and FIR No.87 dated 31.5.2009, under Sections 326, 324, 323, 148 and 149 IPC, registered at Police Station Patti, Tehsil Patti, District Tarn Taran 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