

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

**Criminal Misc. No. M-38867 of 2015
Date of Decision:-29.01.2016**

Sukhdev 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. Amit Arora, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Anoop Kumar Yadav, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.118 dated 4.10.2015, under Sections 452, 324, 323, 427, 506, 148 and 149 IPC (offence under Section 326 IPC added later on), registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 18.11.2015, this Court has directed the parties to appear before the Area Magistrate 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 18.11.2015, the parties have appeared before the learned Magistrate on 19.1.2016 for getting their statements recorded.

The report dated 22.1.2016 received from the learned Judicial Magistrate 1st Class, Patti, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant-Partap Singh along with Ajit Singh and Paramjit Kaur before the Judicial Magistrate 1st Class, Patti, on 19.1.2016 reads as under :-

“On the statement of Partap Singh the FIR No.118 dated 4.10.2015 was registered with Police Station Bhikhiwind, U/S 326, 452, 324, 323, 427, 506, 148, 149 IPC and against Sukhdev Singh son of Veer Singh, Veer Singh son of Hazara Singh, Atinderpal Singh son of Channan Singh, Palwinder Singh son of Sukhdev Singh, Azadwinder Singh @ Yadwinder Singh son of Sukhdev Singh, Major Singh son of Veer Singh, Jagwinderpal Singh son of Major Singh all resident of Village Kalsian Kalan, Tehsil Patti, District Tarn Taran, and Sukhwinder Singh son of Teja Singh resident of Village Bhikhiwind Tehsil Patti, District Tarn Taran, accused persons. Now the matter has been compromised with the intervention of the respectable and other close concerned persons of the area and thus we do not want to proceed with the said FIR No.118 dated 4.10.2015. The statements are given by us voluntarily with our free will, consent and without any threat or coercion. We admit the copy of compromise dated 24.10.2014, which is Mark CX as genuine document and it bears our signatures. We

have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court."

Learned counsel appearing for respondent Nos.2 to 4 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.118 dated 4.10.2015, under Sections 452, 324, 323, 427, 506, 148 and 149 IPC (offence under Section 326 IPC added later on), registered at Police Station Bhikhiwind, District Tarn Taran and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

January 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE