

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

Criminal Misc. No. M-4010 of 2016

Date of Decision:-12.04.2016

Sangat Singh @ Billa 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. Vipin Mahajan, Advocate
for the petitioners.

Mr. Sandeep Kumar Bansal, AAG, Punjab.

Mr. Akash Sethi, Advocate for
Mr. Vishal Munjal, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.124 dated 20.12.2015, under Sections 326, 324 and 323 IPC, registered at Police Station Ghuman, Police District Batala, District Gurdaspur, Punjab (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 4.2.2016, 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 4.2.2016, the parties have appeared before the learned Magistrate on 22.3.2016 for getting their statements recorded.

The report dated 6.4.2016 received from the learned Judicial Magistrate 1st Class, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jagtar Singh before the JMIC, Batala, on 22.3.2016 reads as under :-

“That the above noted case FIR No.124 of 20.12.2015, under Sections 326, 324, 323 IPC, Police Station Ghuman was registered on my statement against the accused persons namely Sangat Singh @ Billa son of Shingara Singh, Jasbir Singh @ Rubal son of Hardeep Singh and Sandeep Singh @ Sonu son of Sangat Singh, all residents of village Mari Tanda, Police Station Ghuman, Tehsil Batala. But lateron I came to know that the accused persons referred above, were not the true culprits. I could not identify the persons, who caused injuries to me as they were muffled faces. The present case has been registered under suspicion as the occurrence

took place at night time. Now with the intervention of the respectable the matter stand compromised and I have no grudge against the accused persons. Now I have no objection if the present FIR is quashed. I have given this statement without any coercion, pressure and with my own free will.”

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.124 dated 20.12.2015, under Sections 326, 324 and 323 IPC,

registered at Police Station Ghuman, Police District Batala, District Gurdaspur, Punjab 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