

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

**Criminal Misc. No. M-3974 of 2014
Date of Decision:-29.01.2016**

Harmesh Singh and another

...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. J.S. Khiva, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. S.K. Daaria, Advocate
for respondents No.2 to 5.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of Report (Rapat) dated 3.12.2008 (Annexure P-1) as well as FIR No.81 dated 24.11.2008, under Sections 454, 380, 34 IPC, registered at Police Station Bareta, District Mansa (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-3).

Vide order dated 3.2.2014, this Court had directed the trial Court to record the statements of the parties and send a report regarding

matter having been compromised between the parties volutarily.

In compliance of the order dated 3.2.2014, the parties have appeared before the learned Magistrate on 13.3.2014 for getting their statements recorded.

The report dated 18.3.2014 received from the learned Judicial Magistrate 1st Class, Budhlada vide communication dated 19.3.2014, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant- Raj Kumar Mittal before the Judicial Magistrate 1st Class, Budhlada, on 13.3.2014 reads as under :-

“Stated that the present case has been got registered by me against accused persons. Now the matter has been compromised with the accused persons with the intervention of the relatives and other respectable persons. I have enter into compromise at my own and with my free consent. I have no objection if the FIR of the present case is quashed.”

Learned counsel appearing for respondent Nos.2 to 5 does not dispute the fact of compromise effected between the parties.

The parties are agreed that in view of order dated 27.1.2014 passed in CRM-M-2793 of 2014 titled 'Madan Lal and others vs. State of Punjab and another', whereby this Court has directed the trial Court that in case the complainant Harmesh Singla makes an application for withdrawal of the complaint on the basis of compromise, the trial Court will permit withdrawal of the complaint. Accordingly, on the application moved by complainant Harmesh Singla, the complaint was ordered to be

dismissed as withdrawn being compromised vide order dated 18.2.2014 passed by the trial Court.

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 Report (Rapat) dated 3.12.2008 as well as FIR No.81 dated 24.11.2008, under Sections 454, 380, 34 IPC, registered at Police Station Bareta, District Mansa 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