

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

Criminal Misc. No. M-40420 of 2015

Date of Decision:-11.04.2016

Lucky @ Rohit 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. Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Sandeep Kumar Bansal, AAG, Punjab.

Mr. Rajesh Bhateja, Advocate for
Mr. Randeep Singh, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.127 dated 2.10.2013, under Sections 323, 452, 148, 149 IPC, registered at Police Station 'C' Division, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 9.2.2016, 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 9.2.2016, the parties have appeared before the learned Magistrate on 29.2.2016 (wrongly written as 29.1.2016) for getting their statements recorded.

The report dated 2.3.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ashwani Sharma before the JMIC, Amritsar, on 29.2.2016 reads as under :-

“That I have compromised the matter with accused Lucky @ Rohit, Raghu, Rahul, Surinder Mahajan and Rajesh Malhotra with the intervention of respectables vide compromise. The compromise is without any threat, influence, promise and I have no objection if aforesaid FIR be quashed qua accused Lucky @ Rohit, Raghu, Rahul, Surinder Mahajan and Rajesh Malhotra on the basis of compromise.”

Similar statement has been made by injured Anmol Sharma.

Learned counsel appearing for respondent Nos.2 and 3 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.127 dated 2.10.2013, under Sections 323, 452, 148, 149 IPC, registered at Police Station 'C' Division, Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 11, 2016

Vijay Asija

(**HARI PAL VERMA**)

JUDGE