

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

Criminal Misc. No. M-40631 of 2015

Date of Decision:-12.02.2016

Ravinder Singh @ Kuki

...Petitioner

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. Vivek Salathia, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.83 dated 13.4.2015, under Sections 323, 342, 382, 34 IPC, registered at Police Station Cantonment, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 2.12.2015, 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 2.12.2015, the parties have appeared before the learned Magistrate on 09.12.2015 for getting their statements recorded.

The report dated 21.12.2015 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 Mohit Kumar before the Judicial Magistrate 1st Class, Amritsar, on 09.12.2015 reads as under :-

“That I got one FIR No.83 dated 13.4.2015 under Sections 323, 342, 382, 34 IPC, P.S. Cantonment against accused Ravinder Singh @ Kukki s/o Sarabjit Singh r/o Gawal Mandi Ram Tirath Road Asr, I identify the accused present in the Court today that with the intervention of the respectables the matter has been compromised between me and the accused. The matter was reduce into writing and was signed by me and the accused in the presence of witnesses. Our differences has been removed and I have no objection if the present FIR is got cancelled as I have not to take any action against the accused because we both are same locality and do not want that our dispute should go further. Now I have no grudge against the accused Ravinder

Singh @ Kukki. I am giving this statement in sound disposing mind and there is no undue influence or any kind of coercion on me.”

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.83 dated 13.4.2015, under Sections 323, 342, 382, 34 IPC, registered at Police Station Cantonment, District Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

February 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE