

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

Criminal Misc. No. M-4161 of 2016

Date of Decision:-05.04.2016

Kuldeep and another

...Petitioners

Versus

State of Haryana 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. Maharaj Kumar, Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. J.S. Virk, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.187 dated 12.5.2011, under Sections 323, 324, 506 and 326 IPC, registered at Police Station Gharaunda, District Karnal (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise reduced into affidavit of complainant (Annexure P-2) dated 4.12.2015.

Vide order dated 5.2.2016, 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 5.2.2016, the parties have appeared before the learned Magistrate on 2.3.2016 for getting their statements recorded.

The report dated 3.3.2016 received from the learned Judicial Magistrate 1st Class, Karnal, reveals that the compromise has been effected between the parties without any undue pressure.

The statement of complainant Subhash Chand was recorded before the Judicial Magistrate 1st Class, Karnal, on 2.3.2016 to the effect that he has compromised the matter with the accused persons and in this regard he has already submitted an affidavit dated 4.12.2015 and he has no objection if the FIR against the accused persons is quashed.

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.187 dated 12.5.2011, under Sections 323, 324, 506 and 326 IPC, registered at Police Station Gharaunda, District Karnal and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise (Annexure P-2).

The petition stands disposed of.

April 05, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE