

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

**Criminal Misc. No. M-40775 of 2015
Date of Decision:-11.04.2016**

Dhanwant Singh alias Babbu 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:- None for the petitioners.

Mr. Sandeep Kumar Bansal, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.12 dated 15.1.2015, under Sections 326 (deleted vide order dated 17.12.2015), 323, 452, 427, 148, 149 IPC, registered at Police Station Kotwali, District Patiala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of agreement/compromise dated 31.10.2015 (Annexure P-2).

Vide order dated 17.12.2015, this Court had directed the parties to appear before the trial Court on 23.12.2015 or any

other date convenient to the 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 17.12.2015, the parties have appeared before the learned Magistrate on 28.1.2016 for getting their statements recorded.

The report dated 3.2.2016 received from the learned Judicial Magistrate 1st Class, Patiala, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement made by complainant Ramesh Chand Mehta and injured Arjun Mehta and Ravinder Kumar Mehta before the JMIC, Patiala, on 28.1.2016 reads as under :-

“With the intervention of common friends and respectables, a compromise between us and the accused party has taken place in this case. The compromise has been effected between us without there being any pressure, threat or coercion or any type of inducement and the same has been effected voluntarily. We have no threat from the accused party and after the compromise, we have started visiting each other and our relations have become cordial. A private complaint filed by Jaspreet Singh against us is pending in the Court of Sh. Amandeep PCS, JMIC, Patiala, and by moving an application he has undertaken to withdraw the same from that Court today itself. No other case between the

parties is pending in any Court of law. No accused is proclaimed person in this case. We have no objection if the FIR and subsequent proceedings in this case against the accused ordered to be quashed.”

Learned State counsel on instructions from ASI Devinder Singh has pointed out that through the FIR was registered in the aforesaid sections but challan was presented under Sections 325, 323, 427, 148 and 149 IPC. He 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.12 dated 15.1.2015, under Sections 325, 323, 427, 148 and 149 IPC, registered at Police Station Kotwali, District Patiala 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