

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

Criminal Misc. No. M-41032 of 2015

Date of Decision:-06.04.2016

Kulwinder Singh 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:- Mr. A.S. Dhindsa, Advocate for
Mr. Jagmeet Singh Moudgill, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of DDR No.41 dated 6.10.2015, under Sections 324, 323, 506, 148 and 149 IPC, registered at Police Station Julkan District Patiala being cross case in FIR No.112 dated 6.10.2015, under Sections 324, 341, 506, 148 and 149 IPC, registered at Police Station Julkan, District Patiala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 29.10.2015 (Annexure P-2).

Vide order dated 7.12.2015, this Court had directed the parties to appear before the Chief Judicial Magistrate, Patiala

on 17.12.2015 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 7.12.2015, the parties have appeared before the learned Magistrate on 17.12.2015 for getting their statements recorded.

The report dated 28.1.2016 received from the learned CJM, Patiala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Karamjit Singh before the CJM, Patiala, on 17.12.2015 reads as under :-

“I had lodged the FIR against the accused Kulwinder Singh, Krishan Singh, Sukhdev Singh, Kuldeep Singh, Surjit Singh, Jasbir Singh and Kaka Singh. I have compromised the matter with the accused with intervention of respectables without any pressure or coercion and with our free will and now henceforth neither I nor the accused will institute any litigation regarding the present compromise matter against each other. I have no objection if the FIR is quashed. I will not initiate any criminal proceedings against him. Another cross case FIR No.56 dated 1.5.2014 under Sections 325, 323, 341, 201 IPC is pending between the parties in which compromise has been effected between the parties except these two cases. No other criminal case is pending between the parties..”

Learned State counsel 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 DDR No.41 dated 6.10.2015, under Sections 324, 323, 506, 148 and 149 IPC, registered at Police Station Julkan, District Patiala being cross case in FIR No.112 dated 6.10.2015, under Sections 324, 341, 506, 148 and 149 IPC, registered at Police Station Julkan, District Patiala and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 06, 2016

Vijay Asija

(**HARI PAL VERMA**)

JUDGE