

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

Criminal Misc. No. M-41437 of 2015

Date of Decision:-05.04.2016

Vipan Mehra

...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:- Ms. Pushpinder Kaur, Advocate for
Ms. Gursharan K. Mann, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.125 dated 30.4.2011, under Sections 452, 323, 324, 506, 34 IPC (Section 326 IPC added later on), registered at Police Station Civil Lines, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 7.12.2015, 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 7.12.2015, the parties have appeared before the learned Magistrate on 19.1.2016 for getting their statements recorded.

The report dated 25.2.2016 received from the learned Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Rajesh Julka before the CJM, Amritsar, on 19.1.2016 reads as under :-

“I have got registered FIR No.125 dated 30.4.2011, under Sections 452, 323, 324, 506, 34 IPC (Section 326 IPC added later on), Police Station Civil Lines against accused Vipin Mehra and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. I have arrived at the compromise with the accused out of my free will and willful consent and there is no pressure or coercion upon me. There is no other case except the present one is pending. I have no objection if FIR No.125 dated 30.4.2011 under Sections 452, 323, 324, 506, 34 IPC (Section 326 IPC added later on), Police Station Civil Lines is quashed.”

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 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 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.125 dated 30.4.2011, under Sections 452, 323, 324, 506, 34 IPC (Section 326 IPC added later on), registered at Police Station Civil Lines, District Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

The petition stands disposed of.

April 05, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE