

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

Criminal Misc. No. M-41781 of 2015

Date of Decision:-24.05.2016

Lalit Kumar alias Lovely

...Petitioner

Versus

State of Haryana and others

...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. Deepak Kaushal, Advocate
for the petitioner.

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

Mr. H.P.S. Bhinder, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.410 dated 16.10.2012, under Sections 323, 452 and 506 IPC, registered at Police Station City Dabwali, District Sirsa (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 7.11.2015 and affidavits. (Annexure P-4 colly).

Vide order dated 10.12.2015, 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 10.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 24.12.2015 received from the learned Judicial Magistrate 1st Class, Dabwali, reveals that the compromise has been effected between the parties without any undue pressure.

The joint statement of complainant Om Parkash alongwith respondent No.4 injured Simran and respondent No.5 Lakash was recorded before the learned Judicial Magistrate 1st Class, Dabwali on 24.12.2015. The relevant part of the report read as under :-

“Complainant Omparkash and injured Simran and Lakash made joint statement that the matter has been compromised and written compromise is Ex.C1 and they have no objection if the case is decided as per compromise Ex.C1. Thereafter, statement of accused Lalit Kumar alias Lovely has also been recorded and he has also stated that the matter has been compromised and case be decided as per compromise Ex.C1. Both of the parties were identified by their respective learned counsels. It appears that the compromise arrived between the parties is with their free will and for benefit of both the parties.”

Learned counsel appearing for respondents No.2 and 3 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.410 dated 16.10.2012, under Sections 323, 452 and 506 IPC, registered at Police Station City Dabwali, District Sirsa and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE