

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

Criminal Misc. No. M-42290 of 2015

Date of Decision:-25.07.2016

Malkiat Singh and another

...Petitioners

Versus

State of Punjab 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. Amit Mehta, Advocate
for the petitioners.

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

Mr. Anuj Thakur, Advocate for
Mr. Ramandeep Grover, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.141 dated 27.8.2015, under Sections 452, 323, 34 IPC, registered at Police Station Mukerian, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 15.12.2015, this Court had directed the parties to appear before the Illaqa Magistrate/Chief Judicial Magistrate 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 15.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 6.1.2016 received from the learned Additional Civil Judge (Sr. Divn.)-cum-SDJM, Mukerian, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Pawan Kumar before the SDJM, Mukerian, on 24.12.2015 reads as under :-

“That with the intervention of the respectables of the area, I have entered into a compromise with the accused party without any pressure. Petition under Section 482 Cr.P.C. in the Hon'ble Punjab and Haryana High Court for the quashing of FIR No.141 dated 27.8.2015, under Sections 452, 323, 34 IPC, P.S. Mukerian, has been filed by accused Malkiat Singh and Deepak Kumar. I have no objection if FIR No.141 dated 27.8.2015 under Sections 452, 323, 34 IPC, P.S. Mukerian may be quashed.”

Similar statements have been made by injured namely Sonu Sharma and Bashira on the same date before the Sub Divisional Judicial Magistrate, Mukerian.

Learned counsel appearing for respondent Nos.2 to 4 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.141 dated 27.8.2015, under Sections 452, 323, 34 IPC, registered at Police Station Mukerian, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 25, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE