

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

Criminal Misc. No. M-5460 of 2016

Date of Decision:-07.04.2016

Sandeep Kumar 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. Amit Kashyap, Advocate for
Mr. Vijay Rana, Advocate
for the petitioners.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.11 dated 19.2.2015, under Sections 326, 324, 323, 34 IPC, registered at Police Station Noormahal, District Jalandhar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 15.2.2016, 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 15.2.2016, the parties have appeared before the learned Magistrate on 5.3.2016 for getting their statements recorded.

The report dated 6.4.2016 received from the learned Judicial Magistrate 1st Class, Phillaur, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sandeep Kumar before the JMJC, Phillaur, on 5.3.2016 reads as under :-

“Stated that I have compromised the matter with all accused with the intervention of respectable of locality with my own sweet will without any pressure, voluntarily without any undue influence and coercion. Compromise is valid and genuine. I have got no objection if the FIR above noted is quashed/canceled.”

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 FIR No.11 dated 19.2.2015, under Sections 326, 324, 323, 34 IPC, registered at Police Station Noormahal, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 07, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE