

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

**Criminal Misc. No. M-5787 of 2016
Date of Decision:-12.04.2016**

Soma and others

...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. Ravi Malhotra, Advocate
for the petitioners.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.22 dated 20.2.2006, under Sections 307, 323, 148, 149 IPC, and Rapat No.22 dated 23.2.2006 under Section 307 IPC (later on Section 307 IPC deleted and Section 308 IPC added), registered at Police Station Kartarpur, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 11.9.2015 (Annexure P-2).

Vide order dated 17.2.2016, 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 17.2.2016, the parties have appeared before the learned Magistrate on 09.3.2016 for getting their statements recorded.

The report dated 23.3.2016 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jaswinder Singh before the JMJC Jalandhar, on 09.3.2016 reads as under :-

“Stated that I have lodged an FIR No.22 dated 20.02.2006 under Sections 307, 308, 323, 148, 149 IPC at P.S. Kartarpur, Jalandhar against accused 1. Soma son of Pakhar, 2. Amarjit @ Gosha son of Pakhar, 3. Chann son of Pakhar, 4. Sunil son of Joginder, 5. Babbu son of Joginder Singh, 6. Sonu son of Bagga, 7. Jinder son of Bagga, 8. Dhanna son of Pakhar, 9. Sobbi son of Dhanna, all resident of village Bara Pind, District Jalandhar, but now with the intervention of respectables the matter has been voluntarily compromised with accused persons namely Soma son of Pakhar, Amarjit @ Gosha son of Pakhar, Chann son of Pakhar, Sunil son of Joginder all resident of Village Bara Pind, District

Jalandhar, out of my free will, without any pressure, coercion, undue influence and inducement etc. from any side. The compromise with the accused persons is genuine. The accused have filed quashing petition No.CRM-M-5787 of 2016 before Hon'ble High Court on the basis of compromise which is fixed for 12.4.2016. Now, I have no grudge against the accused persons. So, I do not want to proceed with the present case against them and I have no objection if the present FIR be quashed against the accused persons. I have also placed on record copy of compromise i.e. Ex.C1 and photocopy of Adhaar Card as identity card as Ex.C-2 as my identity proof. (original seen and returned)."

Similar statement has been made by injured Geeta.

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.22 dated 20.2.2006, under Sections 307, 323, 148, 149 IPC, and Rapat No.22 dated 23.2.2006 under Section 307 IPC (later on Section 307 IPC deleted and Section 308 IPC added), registered at Police Station Kartarpur, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE