

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

Criminal Misc. No. M-6299 of 2016

Date of Decision:-29.04.2016

Mohd. Shaan 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. Amjad Khan, Advocate
for the petitioners.

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

Mr. Anureet Singh Sidhu, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.121 dated 12.12.2013, under Sections 324, 323, 427, 148 and 149 IPC, registered at Police Station City-2, Malerkotla, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 13.8.2015 (Annexure P-2).

Vide order dated 23.2.2016, 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 23.2.2016, the parties have appeared before the learned Magistrate on 2.3.2016 for getting their statements recorded.

The report dated 5.3.2016 received from the learned Sub Divisional Judicial Magistrate, Malerkotla, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Mohd. Suhail before the SDJM, Malerkotla, on 2.3.2016 reads as under :-

“The FIR No.121 dated 12.12.2013, under Sections 324, 323, 427, 148 and 149 IPC was registered on the basis of my statement at Police Station City-II Malerkotla against accused persons. The matter in dispute qua FIR referred above has been compromised between me and accused persons with the intervention of respectables, relatives. The compromise is genuine, voluntary and without any coercion and undue influence. The photocopy of compromise is Mark-A. In view of the compromise, I have no objection if the present FIR is quashed and the quashing petition filed by the accused persons before Hon'ble High Court is accepted.”

Learned counsel for respondent respondent No.2 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.121 dated 12.12.2013, under Sections 324, 323, 427, 148 and 149 IPC, registered at Police Station City-2, Malerkotla, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE