

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

Criminal Misc. No. M-7352 of 2016

Date of Decision:-06.04.2016

Bilal Khan 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:- Ms. Deipa Asdhir Dubey, Advocate
for the petitioners.

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

Mr. Gautam Kaile, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.16 dated 28.1.2016 (Annexure P-1), under Sections 323, 336, 148, 149 IPC and under Section 25, 27, 54, 59 of the Arms Act, registered at Police Station Division No.4, District Ludhiana City along with all consequential proceedings arising therefrom on the basis of affidavit/compromise (Annexures P-2 and P-3).

Vide order dated 29.2.2016, 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 29.2.2016, the parties have appeared before the learned Magistrate on 14.3.2016 for getting their statements recorded.

The report dated 29.3.2016 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Narinder Singh before the JMIC, Ludhiana, on 14.3.2016 reads as under :-

“Stated that FIR No.16 dated 28.1.2016 under Sections 323, 336, 148, 149 IPC and Section 25/27/54/59 of the Arms Act, P.S. Divn. No.4, Ludhiana was registered on my statement. I have compromised matter with accused Bilal Khan son of Rahees Khan, resident of Street No.3, Mohalla Fatehgarh, Backside Chand Cinema, Ludhiana, Aftab Alam son of Naiam Khan, resident of 250/113/A, Street No.3, Jawand Vihar, Ludhiana, Feroz Khan son of Rahees Khan, resident of Street No.3, Mohalla Fatehgarh, backside Chand Cinema, Ludhiana with my free will and without any pressure. I have no objection if above FIR is quashed on the basis of compromise by Hon'ble Punjab & Haryana High Court.”

Learned counsel appearing for respondent No.2-complainant 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 the 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.16 dated 28.1.2016 (Annexure P-1), under Sections 323, 336, 148, 149 IPC and under Section 25, 27, 54, 59 of the Arms Act, registered at Police Station Division No.4, District Ludhiana City and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE