

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

Criminal Misc. No. M-7418 of 2016

Date of Decision:-16.05.2016

Pawan Kumar 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. Satbir Gill Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. Ashok Kumar Sama,, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of cross case DDR No.36 dated 12.4.2010 (Annexure P-1) registered at Police Station Guruhar Sahai, District Ferozepur in case FIR No.63 dated 12.4.2010 (Annexure P-2), under Sections 326, 323, 506, 148, 149 IPC registered at Police Station Guruhar Sahai, District Ferozepur along with all consequential proceedings

arising therefrom on the basis of compromise dated 12.1.2016 (Annexure P-3).

Vide order dated 17.3.2016, 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 17.3.2016, the parties have appeared before the learned Magistrate on 5.4.2016 for getting their statements recorded.

The report dated 7.4.2016 received from the learned Sub Divisional Judicial Magistrate, Guruhar Sahai, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Bishamber Singh before the SDJM, Guruhar Sahai, on 5.4.2016 reads as under :-

“Stated that the present FIR was registered on my statement. Dayal Singh is also one of the injured in this case. Now, I alongwith injured Dayal Singh have entered into a compromise with the accused persons with the intervention of respectables and relatives without any pressure and coercion. Hence, I do not want to proceed with the present FIR No.63 dated 12.4.2010, under Sections 323, 324, 326, 148, 149 IPC, P.S. Guruhar Sahai and I have no objection if the FIR is quashed. The compromise will result into peaceful atmosphere in the village as well as in our families.”

Apart from the above statement of complainant-respondent

No.2, similar statement has also been suffered by respondent No.3-Dayal Singh before the learned Magistrate on 5.4.2016, whereby he has shown no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 and 3 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 DDR No.36 dated 12.4.2010 (Annexure P-1) registered at Police Station Guruhar Sahai, District Ferozepur in case FIR No.63 dated 12.4.2010 (Annexure P-2), under Sections 326, 323, 506, 148, 149 IPC registered at Police Station Guruhar Sahai, District Ferozepur and the

consequential proceedings arising therefrom are hereby quashed qua
petitioners on the basis of compromise.

May 16, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE