

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

**Criminal Misc. No. M-7944 of 2016
Date of Decision:-16.05.2016**

Gorkha Singh 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. Impinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

H.S. Aujla, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.04 dated 19.1.2015, under Sections 452, 323, 34 IPC, registered at Police Station Sadar, Malout, District Sri Muktsar Sahib (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 23.2.2016 (Annexure P-2).

Vide order dated 4.3.2016, this Court had directed the parties to appear before the 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 4.3.2016, the parties have appeared before the learned Magistrate on 29.3.2016 for getting their statements recorded.

The report dated 4.4.2016 received from the learned Judicial Magistrate 1st Class, Malout, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Pappi Singh before the JMJC, Malout, on 29.3.2016 reads as under :-

“Stated that I have entered into compromise with the accused persons namely Gorkha Singh, Sukhmandr Singh, Kuldeep Singh, all sons of Bagga Singh son of Surjit Singh in the above said FIR. We are neighbours and belong to same village. The respectable persons have got effected this compromise between us which is without undue influence, pressure, coercion and is voluntary and with mutual consent. The compromise will improve the relations between the parties and is for the welfare of both the parties. I have no objection in case the above said FIR is quashed.”

Learned counsel appearing for 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.04 dated 19.1.2015, under Sections 452, 323, 34 IPC, registered at Police Station Sadar, Malout, District Sri Muktsar Sahib 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