

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

Criminal Misc. No. M-8102 of 2016

Date of Decision:-11.05.2016

Daler Singh and another

...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. Rishu Mahajan, Advocate
for the petitioners.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.251 dated 29.9.2013, under Sections 323, 324, 148, 139 and 326 IPC, registered at Police Station Sulanwind, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 29.1.2014 (Annexure P-2).

Vide order dated 9.3.2016, 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 09.3.2016, the parties have appeared before the learned Magistrate on 4.4.2016 for getting their statements recorded.

The report dated 26.4.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Avtar Singh before the JMJC, Amritsar, on 4.4.2016 reads as under :-

“Stated that FIR No.251 dated 29.9.2013, under Sections 323, 324, 326, 148, 149 was registered at P.S. Sultanwind, Amritsar on my statement against Daler Singh s/o Gurduman Singh, resident of House No. L-6/1077, New Sahid Udam Singh Nagar, Tarn Taran Road, Amritsar, Gurjant Singh son of Partap Singh, r/o H.No.1/6/265, street No.3, Sahid Udam Singh Nagar, Tarn Taran road, Amritsar and unidentified persons. Now the matter has been compromised between me and the all accused with the intervention of respectables of the locality. In view of the compromise I have no objection if the FIR No.251 dated 29.1.2013 of P.S. Sultanwind, Amritsar be quashed. I am making this statement with my free will and without any threat or coercion or undue influence.”

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.251 dated 29.9.2013, under Sections 323, 324, 148, 139 and 326 IPC, registered at olice Station Sulanwind, Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

May 11, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE