

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

**Criminal Misc. No. M-8315 of 2016 (O & M)
Date of Decision:-11.05.2016**

Ram 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. Dhawaljeet Dutta, Advocate
for the applicants-petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

CRM No.15466 of 2016

Prayer in the application is for addition of Sections 325 and 326 IPC in the petition filed under Section 482 Cr.P.C. for quashing of FIR No.27 dated 27.2.2015, registered at Police Station Gharinda, Amritsar Rural, District Amritsar.

Learned counsel for the applicants-petitioners contends that though initially he has referred Sections 323 and 324 read with

Section 34 IPC in the head note but due to some typographical error Sections 325 and 326 IPC were not incorporated. He has moved this application seeking inclusion of Sections 325 and 326 IPC in the prayer clause as well in the head note.

Notice of the application.

On asking of the Court, Mr. Mr. P.S. Madahar, AAG Punjab. accepts notice on behalf of respondent-State. Learned counsel for the petitioners is directed to hand over a complete set of paper book to learned State counsel during the course of the day.

For the reasons mentioned in the application, same is allowed and Sections 325 and 326 IPC are allowed to be incorporated in the prayer clause and head note of the petition.

The Registry is directed to do the needful in the petition as well as in the head note.

CRM-M No.8315 of 2016

Prayer in the present petition is for quashing of FIR No.27 dated 27.2.2015, under Sections 323, 324, 325 and 326 read with Section 34 IPC, registered at Police Station Gharinda, Amritsar Rural, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 20.2.2016 (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 9.3.2016, the parties have appeared before the learned Magistrate on 4.4.2016 for getting their statements recorded.

The report dated 16.4.2016 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 Navkiran Singh before the JMJC, Amritsar, on 4.4.2016 reads as under :-

“It is stated that I have compromised the matter with the accused Ram Singh, Sukha Singh, Goldy and Raj Kaur out of my free will without having any kind of outer pressure, coercion etc. We both the parties are living in a very friendly and peace full manner. We have no grudge against each other and I am fully satisfied with the terms and condition of the compromise. I have no objection if the FIR in question be quashed.”

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.27 dated 27.2.2015, under Sections 323, 324, 325 and 326 read with Section 34 IPC, registered at Police Station Gharinda, Amritsar Rural, District 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