

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

**Criminal Misc. No. M-8438 of 2016
Date of Decision:-24.05.2016**

Salim Mohd. 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. R.S. Chauhan, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Naresh Chander, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.104 dated 26.9.2015, under Sections 324, 323, 341, 506 and 34 IPC, registered at Police Station Amargarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise

dated 9.2.2016 (Annexure P-2).

Learned counsel for the petitioners contends that respondent No.3 has wrongly been impleaded and he does not press this petition qua respondent No.3.

Hence, the name of respondent No.3 is deleted from the array of respondents. The Registry is directed to do the needful.

Vide order dated 10.3.2016, 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 10.3.2016, the parties have appeared before the learned Magistrate on 31.3.2016 for getting their statements recorded.

The report dated 5.4.2016 received from the learned Judicial Magistrate 1st Class, Malerkotla, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Bharpur Ali before the JMJC, Malerkotla, on 31.3.2016 reads as under :-

“The above noted FIR was registered against the accused on my statement. I have compromise with the accused namely Salim Mohd., Fariyad Mohd, Iqbal Mohd. sons of Hamid Khan and Ali Sher son of Ramzan Mohammad, all residents of Village Sangali, Tehsil Malerkotla, District Sangrur. I have entered into compromise with the accused voluntarily, without any

pressure, coercion or without any greed. I do not want to take any action against the accused persons named above and have no objection if the above noted FIR is quashed. No other case is pending between me and the accused person. No P.O. proceeding is pending against any person.”

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.104 dated 26.9.2015, under Sections 324, 323, 341, 506 and 34 IPC, registered at Police Station Amargarh, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua

petitioners on the basis of compromise.

May 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE