

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

**Criminal Misc. No. M-12937 of 2012 (O & M)
Date of Decision:-08.5.2015**

Khushpreet Singh and others

...Petitioners

Versus

State of Haryana 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. Pawan Sharma, Advocate
for the petitioners.

Mr. Manish Bansal, Deputy A.G., Haryana.

Mr. Bhriugu Dutt Sharma, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for quashing of FIR No.80 dated 4.11.2011, under Sections 394 and 397 IPC and Section 25/54/59 of the Arms Act, registered at Police Station Sector 19 (now shifted to Sector 20), Panchkula on the basis of compromise dated 30.4.2012 (Annexure P-1) entered into between the parties.

This Court on 5.12.2014 passed the following order :-

“This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 18.12.2014 and the trial Court/Illaqa Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not?

Report of the trial Court/Illaqa Magistrate in this regard be called for 10.2.2015.

The trial Court is directed to give status of the case also whether the witnesses have been examined or not.”

Pursuant to the order dated 5.12.2014, the parties have appeared before the trial Court and their statements were recorded on 18.12.2014 in the light of compromise dated 30.4.2012 between complainant Shyam Lal and petitioners-accused Vikramjeet Singh, Sarabjeet Singh and Khuspreet Singh. The trial Court has submitted a report dated 18.12.2014, wherein it has been reported that both the parties have suffered their statements in open Court under the direct supervision of the Presiding Judge and their statements are absolutely voluntarily.

Learned counsel for the complainant does not dispute the factum of compromise as entered between the parties and submits that there is no pressure while making statements before the Court and compromise entered between the parties.

Learned counsel for the petitioners submits that in view of the evidence of the prosecution where no allegations have been made against the petitioners, the FIR deserves to be quashed on the basis of compromise. He relies upon the judgment **Shiji alias Pappu and others**

vs. Radhika and another 2011(10) Supreme court Cases 705 to contend that continuance of prosecution where complainant has not supported the allegations, would be futile exercise and therefore this Court while exercising inherent powers as available under Section 482 Cr.P.C. is competent to quash the FIR and which will prevent the wasteful expenditure of time by the Courts below. He submits that the FIR in hand is liable to be quashed on the basis of compromise itself. Reliance has also been placed in the case of **Narinder Singh and others vs. State of Punjab and another 2014(2) Criminal Court Cases 536** to contend that even after conviction, the High Court can accept the compromise and acquit the accused during the pendency of the appeal.

Considering the fact that the complainant-Sham Lal, who has appeared as PW8 and Premsarup as PW9 have not supported the case of the prosecution, continuous of proceedings/trial would be futile exercise.

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)**, this petition is accepted qua petitioners and FIR No.80 dated 4.11.2011, under Sections 394 and 397 IPC and Section 25/54/59 of the Arms Act, registered at Police Station Sector 19 (now shifted to Sector 20), Panchkula and the consequential proceedings arising therefrom are hereby quashed.

Since the compromise has been entered at the fag end of the trial and at the stage when the case was fixed for arguments, the

petitioners shall deposit an amount of Rs.1,00,000/- to the Legal Services Authority, Haryana within one month from today. Receipt regarding deposit of Rs.1,00,000/- be submitted within the time prescribed in the Registry of this Court and the Registry is directed to tag the same with this file.

May 08, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE