

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

**Criminal Misc. No. M-16941 of 2015
Date of Decision: 01.07.2015**

Kishore Chand

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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. Peeush Gagneja, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.
Mr. Arvinder Bajaj, Advocate for respondent no.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.100 dated 28.7.2012 under Sections 409/420 IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and subsequent proceedings arising therefrom on the basis of compromise in the shape of affidavit of the complainant dated 5.11.2012 (Annexure P2).

This Court vide order dated 21.5.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to submit its report about the genuineness of the compromise as per the statements so recorded.

Pursuant to order dated 21.5.2015, the parties have appeared before Judicial Magistrate Ist Class, Malout and have got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 8.6.2015 to the effect that the compromise entered between the parties is genuine and the same has been effected between the parties voluntarily, without any threat, pressure, coercion or undue influence.

This fact has not been disputed by learned counsel for the respondents.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR. However, considering the fact that the FIR was registered on 28.7.2012 and the State machinery was put to its optimum use till date, the petitioner is liable to pay costs.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.100 dated 28.7.2012 under Sections 409/420 IPC registered at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and subsequent proceedings arising therefrom is quashed, on the basis of compromise in the shape of affidavit of the complainant dated 5.11.2012 (Annexure P2), subject to payment of costs of Rs.5,000/-, to be desposited with the Punjab State Legal Services Authority, Chandigarh.

July 01, 2015
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(HARI PAL VERMA)
JUDGE