

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

**Criminal Misc. No. M-29626 of 2015
Date of Decision:-30.9.2015**

Kharkwinder Singh @ Kharkoo

...Petitioner

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. Prateek Pandit, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Nitin Rampal, Advocate
for respondent Nos.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.64 dated 6.6.2001 (Annexure P-1), under Sections 435, 427 and 447 IPC, registered at Police Station Dasuya, District Hoshiarpur along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 7.9.2015, this Court has 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 7.9.2015, the parties have appeared before the learned Magistrate on 11.9.2015 for getting their statements recorded.

The report dated 17.9.2015 received from the learned Sub Divisional Judicial Magistrate, Dasuya, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Chanan Singh before the Sub Divisional Judicial Magistrate, Dasuya, on 11.9.2015 reads as under :-

“Stated that the present FIR No.64 dated 6.6.2001, under Sections 447, 427 and 435 IPC, P.S. Dasuya, was registered against the accused on the basis of application given by me in the office of P.S. Dasuya. That due to good offices of the Panchayat of the village and due to intervention of respectables of the village and to maintain peace and harmony between the parties, a compromise has been effected between us. We do not want to take any legal action against the accused and I have no objection if the present FIR against the accused Kharkwinder Singh @ Kharkoo is quashed. The compromise has been effected without any undue influence or any coercion.”

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel on instructions from ASI Gurvinder Singh does not dispute the aforesaid factual position, rather admit 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 the 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 ***Gian Singh vs. State of Punjab and others, (2012)10 SCC 303***, this petition is accepted and FIR No.64 dated 6.6.2001 (Annexure P-1), under Sections 435, 427 and 447 IPC, registered at Police Station Dasuya, District Hoshiarpur and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

September 30, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE