

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

**Criminal Misc. No. M-30551 of 2015
Date of Decision:-04.12.2015**

Mukeem Khan

...Petitioner

Versus

State of Haryana 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. Pulkit Dagar, Advocate for
Mr. Rajesh Lamba, Advocate
for the petitioner.

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

Mr. H.R. Chaudhary, Advocate for
Mr. Sanjeev Verma, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.289 dated 29.5.2015, under Section 420 IPC, registered at Police Station Surajkund, District Faridabad (Annexure P-1) alongwith all consequential proceedings on the basis of compromise dated 28.8.2015 attested on 31.8.2015 (Annexure P-2).

Vide order dated 9.9.2015, this Court has directed the parties to appear before the Chief Judicial Magistrate/Ilqa Magistrate on

18.9.2015 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 9.9.2015, the parties have appeared before the learned Magistrate on 18.9.2015 for getting their statements recorded.

The report dated 22.9.2015 received from the learned Chief Judicial Magistrate, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Surjeet Singh before the Chief Judicial Magistrate, Faridabad, on 18.9.2015 reads as under :-

“Stated that I have a dispute regarding money transaction with the accused. For which, I registered the FIR in question. Now, the matter has been compromised. As per compromise, I have received Rs.8,00,000/- cash and also two post dated cheques amounting to Rs.3,00,000/- and Rs.7,00,000/-. After encashing of the amount of cheques I have no objection if the FIR in question is quashed against the accused. The cheques are bearing No.260229 dated 30.10.2015 and No.260228 dated 30.12.2015 respectively. I have compromised the matter at my own free will, without any threat or coercion. The copy of compromise is Ex.C-1, which bears my signatures.”

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 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 allowed and FIR No.289 dated 29.5.2015, under Section 420 IPC, registered at Police Station Surajkund, District Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

Needless to say that parties shall remain bound as per terms of the compromise and the statements made thereon.

December 04, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE