

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-31075 of 2015
Date of Decision: 05.12.2015

Akhtiar Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...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. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. P.S. Madahar, DAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.123 dated 15.9.2011 under Sections 452, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City South Moga, District Moga (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise dated 30.11.2011 (Annexure P-2).

This Court vide orders dated 14.9.2015 and 9.10.2015 had directed the parties to appear before the Illaqa Magistrate/trial

Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 9.10.2015, the parties have appeared before Chief Judicial Magistrate, Moga and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 3.11.2015 to the effect that the parties have entered into the compromise out of their free will and the same is without any coercion or influence and is quite genuine.

The statement of the complainant-Jaspreet Singh reads as under:-

"I have effected compromise with accused at the intervention of respectables on 30.11.2011. I am left with no grudges against the accused and have no objection, if FIR is quashed. No other case is pending between me and accused. I am making this statement out of my free will and without any coercion from any corner.

RO & AC
Sd/- (Jaspreet Singh)

Sd/-
(Pooja Andotra) PCS
CJM, Moga/29.10.2015"

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, 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), as 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 of FIR No.123 dated 15.9.2011 under Sections 452, 323, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station City South Moga, District Moga (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise dated 30.11.2011 (Annexure P-2).

December 05, 2015
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(HARI PAL VERMA)
JUDGE