

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

**Criminal Misc. No. M-32364 of 2015
Date of Decision:-31.10.2015**

Gurmeet Singh and others

...Petitioners

Versus

State of Punjab 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. Aakash Singla, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. B.S. Mann, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.219 dated 24.12.2010, under Sections 420, 465, 468, 469, 471 and 120-B IPC, registered at Police Station Dharamkot, District Moga (Annexure P-1) alongwith all consequential proceedings on the basis of settlement/compromise dated 19.3.2015 (Annexure P-2).

Vide order dated 1.10.2015, 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 1.10.2015, the parties have appeared before the learned Magistrate on 20.10.2015 for getting their statements recorded.

The report dated 28.10.2015 received from the learned Judicial Magistrate 1st Class, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ajmer Singh before the Judicial Magistrate 1st Class, Moga on 20.10.2015 reads as under :-

“I have arrived at compromise with the accused with intervention of respectables vide compromise deed dated 19.08.2015 on which I recognize my signatures and same is Mark-'A'. As per compromise, the accused party has withdrawn the civil suit for specific performance titled as 'Gurmeet Singh etc. Vs. Varan Syal etc.' pending in the Court of Madam Manpreet Kaur, Additional Civil Judge (Sr. Divn.), Sultanpur Lodhi vide order dated 19.08.2015. This compromise took place with our sweet and free will without any type of coercion but for the benefit of both the parties and to end the enmity. The accused party have filed petition for quashing of the FIR No.219 dated 24.12.2010 under Sections 420, 465, 468, 471, 120-B IPC, P.S. Dharamkot and I have no objection if the quashing petition be allowed and FIR mentioned above be quashed.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties and also filed an affidavit of complainant Ajmer Singh dated 14.10.2015 to the effect that he has no objection in case the FIR No.219 dated 24.12.2010, under

Sections 420, 465, 468, 469, 471, 120-B IPC, P.S. Dharamkot, District Moga, is quashed.

Learned State counsel on instructions from HC Dalbir 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.219 dated 24.12.2010, under Sections 420, 465, 468, 469, 471 and 120-B IPC, registered at Police Station Dharamkot, District Moga and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

October 31, 2015
Vijay Asija

(**HARI PAL VERMA**)
JUDGE