

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

**Criminal Misc. No. M-33189 of 2015
Date of Decision:-04.12.2015**

Jarnail 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. Jagtar Singh, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

Mr. Vakil Khosla, Advocate for
Mr. R.S. Athwal, Advocate
for respondent No.2-complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.53 dated 7.6.2011, under Sections 420, 465, 467, 468, 471, 120-B and 182 IPC, registered at Police Station Maqsudan, Police District Jalandhar Rural, District Jalandhar (Annexure P-1) alongwith all consequential proceedings on the basis of compromise dated 12.9.2015 (Annexure P-2).

Vide order dated 30.9.2015, 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 30.9.2015, the parties have appeared before the learned Magistrate on 29.10.2015 for getting their statements recorded.

The report dated 24.11.2015 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant-Karamjit Singh before the Judicial Magistrate 1st Class, Jalandhar, on 29.10.2015 reads as under :-

“Stated that I have effected the compromise with the accused/petitioners in case titled as 'State vs. Jarnail Singh and others' in FIR No.53 dated 7.6.2011, under Sections 420, 465, 467, 468, 471, 120-B and 182 IPC, P.S. Maqsudan, Jalandhar against accused namely Jarnail Singh s/o Amar Singh r/o Vill. Bulandpur, P.S. Maqsudan, Jalandhar, Talwinder Singh s/o Jarnail Singh r/o Vill. Bulandpur P.S. Maqsudan, Jalandhar and Avtar Singh s/o Jarnail Singh r/o Vill. Bulandpur P.S. Maqsudan, Jalandhar at present, r/o H.No.18-A, Partap Nagar, Wadala Chowk, Jalandhar. The said compromise is effected with my free consent and without any pressure. I have compromised the matter with my sweet will and without any pressure and coercion. Copy of the compromise is Ex.C1. I have no objection if above said FIR may be quashed. None of the accused is proclaimed offender in this case and this compromise does not effected the rights of any third party. Copy of my ID proof is Ex.C2.”

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 accepted and FIR No.53 dated 7.6.2011, under Sections 420, 465, 467, 468, 471, 120-B and 182 IPC, registered at Police Station Maqsudan, Police District Jalandhar Rural, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

December 04, 2015

Vijay Asija

(HARI PAL VERMA)
JUDGE