

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

CRM-M- 36629 of 2015
Date of decision: 22.12.2015

Jagtar Singh and others

-----Petitioner (s)

V/s

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. Rahul Sharma, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J.

Prayer in this petition is for quashing of FIR No.166 dated 28.12.2009, under Sections 420 and 406 IPC and Sections 465, 467, 468, 471 and 120-B IPC (added later on), registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.10.2015 (Annexure P-2).

This Court vide order dated 28.10.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise dated 5.10.2015 (Annexure P-2) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 28.10.2015, the parties

have appeared before learned Sub Divisonal Magistrate, Khamanon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 21.11.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Maghar Singh, age 80 years son of Tarlok Singh, reads as under:-

“Stated that I have entered into a statement with accused namely Ajwant Singh S/o Ajmer Singh R/o Samrala, Major Singh S/o Ralla Singh R/o Khamanon, Jaswant Singh S/o Bachan Singh and Jagtar Singh S/o Banta Singh both residents of village Raipur (Majri), Tehsil Khamanon, District Fatehgarh Sahib. The said compromise has been reduced into writing on 05.10.15. Photocopy of the same is Annexure P-2(original attached with petition u/s 482 Cr.P.C.). The compromise has been executed with my own free will and consent without any pressure, coercion, undue influence or mis representation from any quarter. The said compromise is for the benefit of both the parties, whereby we have undertaken to resolve our differences. Apart from this no other case civil or criminal is pending against me or by me. Now I have no grudge against any of the accused and I have no objection if the accused are acquitted.

RO & AC
Sd/-Maghar Singh

Sd/-
(V.K. Narang)
SDJM/Khamanon, 17.11.2015”

Apart from the statement of the complainant-respondent No.2, whereby he has shown no objection to the FIR being quashed, 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.

Learned counsel for the State, on instructions from HC-Chandra Parkash, has admitted the factum of compromise entered between the parties.

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 FIR No.166 dated 28.12.2009, under Sections 420 and 406 IPC and Sections 465, 467, 468, 471 and 120-B IPC (added later on), registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed, qua the petitioners, in view of compromise dated 05.10.2015 (Annexure P-2).

22.12.2015
Anjal

(HARI PAL VERMA)
JUDGE