

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

**Criminal Misc. No. M-10836 of 2016
Date of Decision:-01.06.2016**

Satpal Billa 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:- Ms. Lovedeep Kaur, Advocate for
Mr. B.S. Bhalla, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Shivender Pal Singh, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.159 dated 19.9.2013 (Annexure P-1), under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City, Moga along with all consequential proceedings arising therefrom on the basis of compromise dated 15.3.2016 (Annexure P-2).

Vide order dated 30.3.2016, this Court had 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 30.3.2016, the parties have appeared before the learned Magistrate on 22.4.2016 for getting their statements recorded.

The report dated 28.4.2016 received from the learned Chief Judicial Magistrate, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sham Lal before the CJM, Moga, on 22.4.2016 reads as under :-

“FIR No.159 dated 19.9.2013, under Sections 420, 465, 467, 468, 471, 120-B IPC was registered at Police Station City, Moga on my application against Naresh Kumar son of Jai Ram Dass, Satpal Billa son of Jai Ram Dass, Sulakshmi Kakkar wife of Naresh Kumar, Anuradha wife of Satpal Billa and Sumitra wife of Jai Ram Dass. I have compromised the matter with the accused persons. The compromise between us has been effected with the intervention of respectable and we have compromised the matter without any pressure and with my own sweet will. I have no objection if the said FIR is quashed. No other case is pending between us in any Court. In this case neither any accused has been declared proclaimed offender nor any proceedings under Section 82/83 Cr.P.C. are pending against any accused. Except this no other case is pending between

the parties and there is no other accused except mentioned above.”

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 admits 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 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 as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.159 dated 19.9.2013 (Annexure P-1), under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station City, Moga and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

June 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE