

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

**Criminal Misc. No. M-11214 of 2016
Date of Decision:-01.06.2016**

Didar Singh

...Petitioner

Versus

State of Punjab and others

...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. J.S. Lalli, Advocate
for the petitioner.

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

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.166 dated 5.8.2015, under Sections 279 and 304-A IPC, registered at Police Station Lodhowal, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 9.3.2016 (Annexure P-2).

Vide order dated 1.4.2016, 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.

Pursuant to the above order dated 1.4.2016, the parties have appeared before the learned Magistrate on 22.4.2016 for getting their statements recorded.

The report dated 29.4.2016 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel for the petitioner states that respondent No.2 is merely a witness to the incident, though the FIR was lodged at his behest but the fact remains that respondent No.3 is the victim, whose husband had died in the accident.

The statement made by respondent No.3- victim Sita Kaur before the JMJC, Ludhiana, on 22.4.2016 reads as under :-

“Stated that the present case bearing FIR No.166 dated 5.8.2015, under Sections 279 and 304-A IPC has been got registered against Didar Singh son of Jagat Singh, resident of Muradpur Guruka, P.S. Ballawal, District Hoshiarpur for commission of an accident. In this accident, my husband Gosha Singh son of Nirmal Singh was died. Now with the intervention of respectables I entered into compromise with the accused Didar Singh vide compromise dated 9.3.2016 which bears my signatures as well as signatures of panchayat members namely Amrinder Singh Sarpanch, Nachattar Singh Numberdar, Jarnail Singh and signatures of accused Didar Singh. I have brought my original ID card and copy of same is Ex.C1. The parents of my deceased husband are not alive. I have brought the copy of death certificate of my father-in-law and same

is Mark-A. As such, I do not want to pursue with the present case. I have voluntarily entered into compromise with my free consent, without any pressure and coercion. I have no objection, if the aforesaid FIR is quashed by Hon'ble High Court.”

Learned State counsel 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.166 dated 5.8.2015, under Sections 279 and 304-A IPC, registered at Police Station Lodhowal, District Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

June 01, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE