

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

**Criminal Misc. No. M-11229 of 2016
Date of Decision:-01.06.2016**

Pargat Singh

...Petitioner

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. G.S. Sirphikhi, 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.08 dated 15.1.2016 (Annexure P-1), under Sections 279, 337, 295 IPC, registered at Police Station City Batala, Police District Batala, Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit of respondent No.2-complainant (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.

In compliance of the 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 25.4.2016 received from the learned Sub Divisional Judicial Magistrate, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jagdish Singh before the SDJM, Batala, on 22.4.2016 reads as under :-

“I have entered into compromise with Pargat Singh accused person (petitioner). The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now, I have no grudge against the accused person (petitioner). I have no objection, if the present FIR No.08 dated 15.1.2016, under Sections 279, 337, 295 IPC, Police Station City, Batala and subsequent proceedings are quashed against above mentioned accused person (petitioner).”

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.08 dated 15.1.2016 (Annexure P-1), under Sections 279, 337, 295 IPC, registered at Police Station City Batala, Police District Batala, Gurdaspur 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