

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

Criminal Misc. No. M-12158 of 2016

Date of Decision:-01.06.2016

Ram Kishan Garg

...Petitioner

Versus

State of Haryana 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. Rajiv Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.1099 dated 18.10.2014, under Sections 342/506 IPC, registered at Police Station City, Gurgaon (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 7.4.2016, 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 7.4.2016, the parties have appeared before the learned Magistrate on 9.5.2016 for getting their statements recorded.

The report dated 19.5.2016 received from the learned Chief Judicial Magistrate, Gurgaon, reveals that the compromise has been effected between the parties without any undue pressure.

The relevant para of the report dated 19.5.2016 received from the learned Magistrate reads as under :-

“The complainant namely Sh. Anshul Yadav, made a statement that he has resolved the dispute with the accused namely Ram Kishan. He further stated that the matter in question has been amicably settled with the intervention of their well wishers. He also stated that the parties have entered into the aforesaid compromise without any fear, undue pressure or coercion and now there is no misunderstanding between the parties. He also stated that the case in hand bearing FIR No.1099 dated 18.10.2014, under Sections 342/506 IPC, P.S. City, Gurgaon got registered by him be quashed in view of the aforesaid settlement.”

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.1099 dated 18.10.2014, under Sections 342/506 IPC, registered at Police Station City, Gurgaon 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