

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

Criminal Misc. No. M-1396 of 2016

Date of Decision:-16.05.2016

Amandeep 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. L.S. Sekhon, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. Rajdeep Singh Gill, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.195 dated 4.11.2015, under Sections 420 and 406 IPC, registered at Police Station Chhajli, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 24.12.2015 (Annexure P-2).

Vide order dated 16.3.2016, this Court had directed the parties to appear before the Illaqa Magistrate 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 16.3.2016, the complainant appeared before the learned Magistrate on 11.4.2016 for getting his statements recorded.

The report dated 11.4.2016 received from the learned Judicial Magistrate 1st Class, Sunam, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Vikas Kumar before the JMJC, Sunam, on 11.4.2016 reads as under :-

“Stated that FIR No.195 dated 4.11.2015 under Sections 420, 406 IPC, Police Station Chhajli was registered on my statement. I have compromised with the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. I have no objection if FIR is quashed. There is only one accused in the present case namely Amandeep Singh son of Gian Singh. No accused is proclaimed offender in the present case.”

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.195 dated 4.11.2015, under Sections 420 and 406 IPC, registered at Police Station Chhajli, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 16, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE