

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

Criminal Misc. No. M-18608 of 2013

Date of Decision:-04.04.2016

Gurvinder Singh 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:- Mr. G.S. Dhaliwal, Advocate
for the petitioners.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Ms. Avinash Mandla, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.16 dated 21.1.2013, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Phase-1, District SAS Nagar (Mohali) (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 14.2.2013 (Annexure P-2).

Vide order dated 20.9.2013 and 21.12.2015, this Court had directed the parties to appear before the 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 orders dated 20.9.2013 and 21.12.2015, the parties have appeared before the learned Magistrate on 10.10.2013 and 25.1.2016 for getting their statements recorded.

The report dated 29.1.2016 received from the learned Judicial Magistrate 1st Class, Mohali, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Parminder Singh before the Judicial Magistrate 1st Class, Mohali, on 25.1.2016 reads as under :-

“I have compromised the matter with the accused. The compromise has been reached at with my free will and consent, without any fear or pressure. The compromise is the effect of amicable settlement reached at between us. I have no objection if the present FIR No.16 dated 21.1.2013 is quashed and the accused Gurwinder Singh son of Mann Singh, Mann Singh son of Rattan singh and Gurcharan Kaur wife of Mann Singh are acquitted. I am making this statement voluntarily and without any fear or pressure. The compromise which has been placed on the record of Hon'ble High Court was arrived at with our free will and is correct. The same is being placed on the file today vide Ex.P1.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

Learned State counsel does not dispute the aforesaid factual position, rather admit 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 the 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 **accepted** and FIR No.16 dated 21.1.2013, under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station Phase-1, District SAS Nagar (Mohali) and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 04, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE