

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

CRM-M-18875 of 2015.
Decided on:-11.07.2016.

Johan and another

.....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. B.S. Sohal, Advocate
for the petitioners.

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

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.31 dated 3.5.2015 under Sections 332, 353 and 186 read with Section 34 IPC registered at Police Station Phase-8, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 26.5.2015 (Annexure P-2).

This Court vide order dated 28.9.2015 had directed the parties to appear before the trial Court for getting their respective statements with regard to the compromise and the trial Court was directed to send its report

along with copies of the statements.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Mohali and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 26.10.2015 to the effect that the compromise has been found as voluntarily, without any fear, force or pressure; it being result of an amicable settlement arrived at between the parties.

The factum of compromise has not been disputed by learned State counsel. He states that in the present FIR though the Challan has been presented in the Court, but charges are yet to be framed.

Though none has put in appearance on behalf of respondent No.2-complainant Jagtar Singh, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 16.10.2015. The same is being reproduced as under:

“Stated that on my statement the present case was registered at Police Station Phase 8 against the accused Patras son of Daniel and Johan son of Daniel. However, with the intervention of the respectable persons and senior police officials matter has been compromised between us without any force, fraud, undue influence. The compromise deed is Ex.PA and my affidavit is Ex.PB and same is also signed by SHO, Phase 8, Mohali as a witness. The said compromise is voluntarily, without any force, fraud, fear and pressure of

anyone. The FIR may kindly be quashed.”

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.31 dated 3.5.2015 under Sections 332, 353 and 186 read with Section 34 IPC registered at Police Station Phase-8, District SAS Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 26.5.2015 (Annexure P-2).

July 11, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE