

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

**Criminal Misc. No. M-2422 of 2016
Date of Decision:-12.02.2016**

Vijayshree

...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:- Ms. Isha Goyal, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Ajaivir Singh, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.93 dated 13.7.2012, under Section 420 IPC and Section 12 of the Passports Act, 1967, registered at Police Station Navi Baradari, District Jalandhar City (Annexure P-1) along with all consequential proceedings arising therefrom including the order dated 19.2.2014 passed by the Judicial Magistrate 1st Class,

Jalandhar (Annexure P-2) on the basis of compromise dated 30.11.2015 (Annexure P-3).

Vide order dated 22.1.2016, this Court has 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 22.1.2016, the parties have appeared before the learned Magistrate on 2.2.2016 for getting their statements recorded.

The report dated 5.2.2016 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Amit Kapoor before the Judicial Magistrate 1st Class, Jalandhar, on 2.2.2016 reads as under :-

“I have compromised with the accused with my sweet will and without any pressure from any source. The copy of the compromise which has been signed between me and the accused is Ex.C1. This compromise has executed genuinely, voluntarily and without any coercion or undue influence from any source. There is no accused proclaimed offender in this case and only one person Vijay Shree is an accused in this case. I have no objection if the FIR and the

present proceedings be quashed as per compromise.”

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 **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is accepted and FIR No.93 dated 13.7.2012, under Section 420 IPC and Section 12 of the Passports Act, 1967, registered at Police Station Navi Baradari, District Jalandhar City (Annexure P-1) along with all consequential proceedings arising therefrom including the order dated 19.2.2014 passed by the Judicial Magistrate 1st Class, Jalandhar (Annexure P-2) are hereby

quashed qua petitioner.

The petition is disposed of.

February 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE