

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

Criminal Misc. No. M-247 of 2016

Date of Decision:-24.05.2016

Rajinder Kumar Minta

...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. J.K. Singla, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Kamal Chaudhary, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.75 dated 24.9.2015, under Sections 420, 465 and 467 IPC, registered at Police Station City Budhlada, District Mansa (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide orders dated 7.1.2016 and 10.3.2016, 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 10.3.2016, the parties have appeared before the learned Magistrate on 7.4.2016 for getting their statements recorded.

The report dated 8.4.2016 received from the learned Sub Divisional Judicial Magistrate, Budhlada, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gurnam Singh before the SDJM, Budhlada, on 7.4.2016 reads as under :-

“Stated that present FIR against accused was registered at my instance being complainant under Sections 420, 465 and 467 IPC. However, panchayat and respectables persons of society have got compromise effected between us. Now there is no dispute between us and I do not want to take any action against accused. I have entered into compromise with my own sweet will without any pressure. I tender copy of my driving licence for the purpose of ascertaining my identity as Ex.C1.”

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.75 dated 24.9.2015, under Sections 420, 465 and 467 IPC, registered at Police Station City Budhlada, District Mansa and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 24, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE