

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

**Criminal Misc. No. M-24745 of 2015
Date of Decision:-24.05.2016**

Davinder Kaur

...Petitioner

Versus

State of Punjab and others

...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. Krishan Sehajpal, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Kewal Krishan, Advocate
for respondents No.2 to 11.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.22 dated 18.4.1997, under Sections 420 and 120-B IPC, registered at Police Station Subhanpur, District Kapurthala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner contends that during the pendency of trial, complainant Harbans Singh expired and his LRs have been impleaded as respondents No.2 to 4. Thereafter, vide order dated 2.3.2016 passed in Criminal Misc. No.6056 of 2016, the other effected persons were ordered to be impleaded as respondents No.5 to 11.

Vide order dated 18.8.2015 this Court had directed the parties to appear before the Illaqa Magistrate/ Trial Court on 11.9.2015 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 18.8.2015, the petitioner and respondents No.2 to 4 appeared before the learned Magistrate on 11.9.2015 for getting their statements recorded.

The report dated 16.9.2015 received from the learned JMIC, Kapurthala, reveals that the compromise has been effected between the parties without any undue pressure.

The statements of legal heirs i.e. respondents No.2 to 4 have been recorded before the learned JMIC, Kapurthala on 11.9.2015. The contents of the statements are similar. However, the statement made by Jasvir Kaur widow of complainant Harbans Singh being legal heir before the JMIC, Kapurthala, on 11.9.2015 reads as under :-

“Stated that, I have compromised the matter with accused Davinder Kaur wife of Baldev Singh, resident of VPO Nadala, Kapurthala, voluntarily without any pressure or coercion with the

intervention of the respectables of the locality and to keep harmony amongst ourselves. We have already executed written compromise and shall remain bound by the terms thereon.”

Thereafter, in compliance of order dated 2.3.2016, newly added respondents No.5 to 11 were directed to record their statements with regard to the compromise before the trial Court in terms of order dated 18.8.2015.

In compliance of order dated 2.3.2015, respondents No.5 to 11 appeared before the Judicial Magistrate 1st Class, Kapurthala on 21.3.2016 and recorded their statements similar to the statement made by respondent No.2 Jasvir Kaur widow of Harbans Singh on 11.9.2015. Report of the learned Magistrate dated 23.3.2016 has also been received, from the learned Magistrate, which reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel appearing for respondents No.2 to 11 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.22 dated 18.4.1997, under Sections 420 and 120-B IPC, registered at Police Station Subhanpur, District Kapurthala 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