

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

**Criminal Misc. No. M-3005 of 2016
Date of Decision:-11.04.2016**

Sandhuri Lal Mittal

...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. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Sandeep Kumar Bansal, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.126 dated 3.5.2011, under Sections 420, 406 and 120-B IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali) (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 13.11.2015 (Annexure P-2).

Vide order dated 29.1.2016, 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 29.1.2016, the parties have appeared before the learned Magistrate on 23.2.2016 for getting their statements recorded.

The report dated 10.3.2016 received from the learned Judicial Magistrate 1st Class, Dera Bassi, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Aman Goel before the JMIC, Dera Bassi, on 23.2.2016 reads as under :-

“Stated that the matter has been compromised between me and accused party on 13.11.2015. Compromise is Ex.PX and I also identify my signatures on the same. Ex.PX is true and correct. The compromise is entered into without any pressure, coercion or undue influence. I do not want to pursue the present FIR. I have no objection if the FIR No.126 dated 2.5.2011 under Sections 406, 420, 120-B IPC, P.S. Zirakpur may be quashed. I placed on record copy of voter ID Card as a proof of my identity Mark-B.”

Learned State counsel 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.126 dated 3.5.2011, under Sections 420, 406 and 120-B IPC, registered at Police Station Zirakpur, District SAS Nagar (Mohali) and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 11, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE