

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

Criminal Misc. No. M-31410 of 2015

Date of Decision:-22.3.2016

Pawan Bhadana and another

...Petitioners

Versus

State of Haryana 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. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.598 dated 28.11.2013, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Mujesar, District Faridabad (Annexure P-1) alongwith all consequential proceedings on the basis of compromise (Annexure P-4).

Vide order dated 11.1.2016, 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 11.1.2016, the parties have appeared before the learned Magistrate on 1.2.2016 for getting their statements recorded.

The report dated 2.2.2016 received from the learned Judicial Magistrate 1st Class, Faridabad, reveals that the compromise has been effected between the parties without any undue pressure or coercion and same is genuine.

The statement made by complainant Ravinder Tyagi before the Judicial Magistrate 1st Class, Faridabad on 1.2.2016 reads as under :-

“Stated that the present FIR was lodged on my complaint. Now, I have compromised the matter with accused persons namely Pawan Bhadana @ Pampi and Palo Devi. The compromise has taken place voluntarily and without any pressure or undue influence. I have no objection if the present FIR may be quashed.”

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 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)** 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.598 dated 28.11.2013, under Sections 406, 420, 467, 468, 471 and 120-B IPC, registered at Police Station Mujesar, District Faridabad and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise (Annexure P-4).

March 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE