

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

Criminal Misc. No. M-33902 of 2015

Date of Decision:-14.3.2016

Sukhdev Singh

...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. Jai Bhagwan, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. Navdeep Kohar, Advocate
for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.53 dated 6.6.2014, under Sections 279, 304-A, 427 IPC, registered at Police Station Ahmedgarh, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 23.6.2014 (Annexure P-2).

Vide order dated 05.10.2015, this Court had directed the parties to appear before the 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 05.10.2015, the parties have appeared before the learned Magistrate on 23.10.2015 for getting their statements recorded.

The report dated 26.10.2015 received from the learned Judicial Magistrate 1st Class, Malerkotla (Sangrur), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ajit Singh before the Judicial Magistrate 1st Class, Malerkotla, on 23.10.2015 reads as under :-

“Stated that FIR No.53 dated 6.6.2014, under Sections 279, 304-A and 427 IPC, was registered in Police Station Sadar, Ahmedgarh against Sukhdev Singh on my statement. I have effected compromise dated 23.6.2014 Annexure P-2 with accused Sukhdev Singh son of Bhinder Singh, r/o Village Akbar Chhana without any threat, pressure or coercion and out of my own free will. I have no objection if said FIR is quashed.”

Similar statements were also made by respondents No.3 and 4 before the learned Magistrate whereby they have shown their no objection to the FIR being quashed.

Learned counsel appearing for respondent Nos.2 to 4 does not dispute the fact of compromise effected between the

parties.

Learned State counsel also 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 as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is accepted and FIR No.53 dated 6.6.2014, under Sections 279, 304-A, 427 IPC, registered at Police Station Ahmedgarh, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

March 14, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE