

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

**Criminal Misc. No. M-37063 of 2015
Date of Decision:-22.01.2016**

Balwan

...Petitioner

Versus

Stte 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. Gopal Sharma, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. Tarurag Gaur, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.31 dated 8.3.2014, under Sections 363 and 366-A IPC, registered at Police Station Dehlon (Annexure P-1) alongwith all consequential proceedings on the basis of compromise (Annexure P-4) and affidavits (Annexures P-5 and P-6).

Vide order dated 30.10.2015, this Court has 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 30.10.2015, the parties have appeared before the learned Magistrate on 26.11.2015 for getting their statements recorded.

The report dated 02.12.2015 received from the learned Judicial Magistrate 1st Class, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kamaljit Kaur before the Judicial Magistrate 1st Class, Ludhiana on 26.11.2015 reads as under :-

"I have compromise the matter with the accused with the intervention of respectables of our society without any pressure and undue influence. My daughter Soni married with accused Balwan and she will be remain with accused Balwan. I have no objection if the present FIR be quashed against the accused Balwan Singh s/o Rajpal Singh r/o Village Mator, District Kaithal, Haryana."

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties, rather submits that the dispute between the parties has been amicably settled and as on date respondent No.3-Soni Kaur @ Somi @ Sonia is happily staying with petitioner Balwan Singh.

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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.31 dated 8.3.2014, under Sections 363 and 366-A IPC, registered at Police Station Dehlon and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

January 22, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE