

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

**Criminal Misc. No. M-37886 of 2015
Date of Decision:-16.05.2016**

Darbara Singh

...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. Harpreet Singh Jakhal, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. Raman Goklaney, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.43 dated 16.5.2015, under Section 420 IPC, P.S. Sadar, Abohar, District Fazilka (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 14.10.2015 (Annexure P-2) and affidavit dated 14.10.2015 (Annexure P-3).

Vide order dated 5.11.2015, this Court had directed the parties to appear before the Illaqa Magistrate 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 5.11.2015, the parties have appeared before the learned Magistrate on 24.11.2015 for getting their statements recorded.

The report dated 18.12.2015 received from the learned Judicial Magistrate 1st Class, Abohar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Rajinder Kumar before the JMJC, Abohar, on 24.11.2015 reads as under :-

“Stated that the FIR No.43 dated 16.5.2015, under Section 420 IPC, P.S. Sadar, Abohar was registered against the accused. As per statement compromise has been effected between both the parties. Compromise deed dated 5.11.2015 was scribed in this regard. Now, on the basis of compromise we have filed the quashing petition bearing No.CRM-M-37886 of 2015 so kindly be FIR may quash on the basis of compromise. The compromise has been effected between the parties without any pressure, coercion and without any undue influence for the betterment of both the parties.”

Learned counsel appearing for respondent No.2 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.43 dated 16.5.2015, under Section 420 IPC, P.S. Sadar, Abohar, District Fazilka and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 16, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE