

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

Criminal Misc. No. M-40357 of 2015

Date of Decision:-06.04.2016

Sanjay Kumar

...Petitioner

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. Ashish Pannu, Advocate
for the petitioner.

Mr. Anil Kumar Chahal, DAG, Haryana.

Mr. Amit Gupta, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.96 dated 20.6.2015, under Sections 67/67-A of the Information Technology Act and Section 506 IPC, registered at Police Station Chhachrauli, District Yamuna Nagar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 30.11.2015, 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 30.11.2015, the parties have appeared before the learned Magistrate on 25.1.2016 for getting their statements recorded.

The report dated 1.2.2016 received from the learned Judicial Magistrate 1st Class, Sub Division Bilaspur, reveals that the compromise has been effected between the parties without any undue pressure.

Complainant Sahib Singh had made the statement before the JMJC, Bilaspur, with regard to fact that he has compromised the matter with the petitioner and does not want to pursue the matter any further.

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.96 dated 20.6.2015, under Sections 67/67-A of the Information Technology Act and Section 506 IPC, registered at Police Station Chhachrauli, District Yamuna Nagar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE