

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

Criminal Misc. No. M-41145 of 2015

Date of Decision:-12.04.2016

Balbir Singh

...Petitioner

Versus

State of U.T. Chandigarh 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. R.S. Duggal, Advocate
for the petitioner.

Mr. G.S. Chahal, APP, for U.T. Chandigarh.

Mr. Vishal Malik, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.98 dated 7.5.2013, under Sections 279 and 337 IPC (later on Section 304-A IPC added), registered at Police Station Sector 3, Chandigarh (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 18.11.2015 (Annexure P-2).

Vide orders dated 4.12.2015 and 18.2.2016 , 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 orders dated 4.12.2015 and 18.2.2016, the parties have appeared before the learned Magistrate on 15.1.2016 and 11.3.2016 for getting their statements recorded.

The reports dated 19.1.2016 and 11.3.2016 received from the learned Judicial Magistrate 1st Class, Chandigarh, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Subash Kumar before the JMIC, Chandigarh, on 15.1.2016 reads as under :-

“I am complainant in present FIR and the matter has been compromised vide compromise deed Ex.A and I have no objection if the present FIR may be quashed.”

Similar statement made by Saroj Devi w/o Chander Shekhar, who is mother of deceased Sharmila Sharma and is also grand maternal mother (Nani) of Lovish and Prince before the JMIC, Chandigarh, on 11.3.2016 reads as under :-

“That my daughter namely Sharmila expired in a road accident, against which a FIR got registered against Balbir Singh son of Sh. Gulzar Singh, resident of H.No.1611, Sector 35-B,

Chandigarh, under Sections 279, 337 and 304 IPC, P.S. 3, Chandigarh on the complaint of my son Subhash Kumar. Now, keeping into consideration the mercy condition of Balbir Singh family, we have compromised with him and we do not want to proceed further against him. This compromise has been effected without any internal or external pressure or without any threat and fear. With regard to compromise, Balbir Singh has filed quashing petition before Hon'ble High Court for quashing of aforementioned FIR vide CRM-M-41145 of 2015, in which the statements of my son Subhash Kumar had already been recorded on 15.1.2016 as per the order of Hon'ble High Court. Now, the Hon'ble High Court also directed me to record my statement before Hon'ble Illaqa Magistrate on or before 10th of March, 2016 with regard to the compromise/settlement. However, due to my ill health I was unable to come to the Court to record my statement on 10th March, 2016.”

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.98 dated 7.5.2013, under Sections 279 and 337 IPC (later on Section 304-A IPC added), registered at Police Station Sector 3, Chandigarh and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 12, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE