

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

**Criminal Misc. No. M-41927 of 2015
Date of Decision:-29.04.2016**

Mohd. Irfan

...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:- None for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

None for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.37 dated 25.4.2015, under Sections 363 and 366 IPC, registered at Police Station City, Malerkotla, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 1.10.2015 (Annexure P-2).

Vide order dated 10.12.2015, 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 order dated 10.12.2015, the parties have appeared before the learned Magistrate on 08.1.2016 for getting their statements recorded.

The report dated 14.1.2016 received from the learned Sub Divisional Judicial Magistrate, Malerkotla, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Harish Kumar before the SDJM, Malerkotla, on 8.1.2016 reads as under :-

“The FIR No.37 dated 25.4.2015, under Sections 363, 366 IPC was registered on the basis of my statement at Police Station City, Malerkotla against accused Mohd. Irfan son of Mohd. Ramzan, resident of village Barkatpura, Tehsil Malerkotla. The matter in dispute qua FIR referred above has been compromised between the parties with the intervention of respectables, relatives. The compromise is genuine, voluntary and without any coercion and undue influence. The attested copy of my affidavit is Mark-A, attested copy of affidavit of my daughter Shilpa Kumar is Mark-B. In view of the compromise, I have no objection if the present FIR is quashed and the quashing petition filed by the accused before the Hon'ble High Court is accepted.”

Learned State counsel 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.37 dated 25.4.2015, under Sections 363 and 366 IPC, registered at Police Station City, Malerkotla, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE