

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

**Criminal Misc. No. M-41970 of 2015 (O & M)
Date of Decision:-25.02.2016**

Avninder Singh

...Petitioner

Versus

State 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. B.S. Walia, Advocate
for the petitioner.

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

Ms. Rahish Pahwa, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.43 dated 12.3.2013, under Sections 304-A, 279, 427, 337 and 338 IPC, registered at Police Station City, Jagraon along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Vide order dated 11.12.2015, 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 11.12.2015, the parties have appeared before the learned Magistrate on 15.2.2016 for getting their statements recorded.

Learned counsel for the petitioner submits that since respondent No.4-Jagdish Pal was accompanying the deceased Harnek Singh, the FIR was got registered by him. However, respondents No.2 and 3 namely, Sarabjit Kaur and Mandeep Kaur are victims in this case. So, statements of petitioner on the one side and of respondents No.2 and 3 on the other side have been recorded before the trial Court with regard to the compromise.

The report dated 20.2.2016 received from the learned Judicial Magistrate 1st Class, Jagraon, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by victim respondent No.2-Sarabjit Kaur before the Judicial Magistrate 1st Class, Jagraon, on 15.2.2016 reads as under :-

“Stated that my husband Harnek Singh was serving in Punjab Police at Jagraon. He died in the accident on 12.3.2013 and the present case has been registered pertaining to the death of my husband. I along with my daughter namely Mandeep Kaur have compromised the matter with the accused Avninder Singh. I have no

objection if the accused is acquitted against the charges framed against him. The compromise has been effected between us without any fear or pressure or coercion and with our own free will. I along with my daughter Mandeep Kaur were dependent upon my husband Harnek Singh before his death.”

Learned counsel appearing for respondent Nos.2 and 3 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 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 as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is accepted and FIR No.43

dated 12.3.2013, under Sections 304-A, 279, 427, 337 and 338 IPC, registered at Police Station City, Jagraon and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

February 25, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE