

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

**Criminal Misc. No. M-42069 of 2015
Date of Decision:-04.3.2016**

Sumit Kumar

...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. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.12 dated 18.5.2013, under Sections 420, 406 and 120-B IPC, registered at police Station NRI, District Moga (Annexure P-1) alongwith all consequential proceedings on the basis of compromise dated 15.10.2015 (Annexure P-2).

Vide order dated 11.12.2015, this Court has 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 11.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 24.12.2015 received from the learned Judicial Magistrate 1st Class, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by Surinder Singh being power of attorney holder of complainant Jasvir Kaur before the Judicial Magistrate 1st Class, Moga, on 24.12.2015 reads as under :-

“I am the Special Power of Attorney of complainant Jasvir Kaur wife of Jagbir Singh alias Jagtar Singh, resident of village Kale Ke, Moga, now resident of 26796, Wanchula Way, Hayward, CA 94545 (USA). The copy of said special power of attorney is Ex.C1. That on the statement of complainant Jasvir Kaur, FIR No.12 dated 18.5.2013, under Section 420, 406 and 120-B IPC has been registered at P.S. NRI, Moga against accused Surjit Kaur (now deceased) and Sumit Kumar. That now with the intervention of the respectable and relatives, complainant has effected compromise with the accused Sumit Kumar and now she has no grudge against the accused Sumit Kumar. Complainant has no

objection, if present FIR is quashed against accused Sumit Kumar. Complainant has effected this compromise out of her free Will and consent and without any coercion or pressure and this compromise is genuine and voluntarily made by complainant. That the copy of compromise is Ex.C2 and copy of Adhar Card is Ex.C3.”

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 (CrI.) 1052 (P & H)** and 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.12 dated 18.5.2013, under Sections 420, 406 and 120-B IPC, registered at police Station NRI, District Moga and the consequential proceedings arising therefrom are hereby

quashed qua petitioner.

The petition is disposed of.

March 04, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE