

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

Criminal Misc. No. M-42362 of 2015

Date of Decision:-04.04.2016

Sajan

...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. R.K. Arya, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.186 dated 21.8.2011 (Annexure P-1), under Sections 382, 323, 452, 506, 120-B, 34 IPC, registered at Police Station A-Division, Amritsar City, District Amritsar along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 17.12.2015, 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 17.12.2015, the parties have appeared before the learned Magistrate on 24.12.2015 for getting their statements recorded.

The report dated 2.1.2016 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kiran Sharma wife of Ravi Kumar before the Judicial Magistrate 1st Class, Amritsar, on 24.12.2015 reads as under :-

“One FIR No.186 dated 21.8.2011 under Sections 382, 323, 452, 506, 120-B, 34 of IPC, P.S. A-Division, Amritsar was registered against Sajjan and Manju Sharma at my instance. I have entered into a compromise with the complainant. The accused has filed a petition for quashing the FIR on the basis of compromise. The FIR against Manju Sharma has already been quashed. The compromise is genuine and voluntary with my free consent. I pray that the FIR may kindly be quashed.”

Learned State counsel does not dispute the aforesaid factual position, rather admit 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.186 dated 21.8.2011 (Annexure P-1), under Sections 382, 323, 452, 506, 120-B, 34 IPC, registered at Police Station A-Division, Amritsar City, District Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 04, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE