

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

Criminal Misc. No. M-42765 of 2015

Date of Decision:-14.3.2016

Bhagwan Dass and others

...Petitioners

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. Girdhar, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.0176 dated 29.10.2015, under Sections 447, 511, 379, 148 and 149 IPC, registered at Police Station Sadar, Jalalabad, District Fazilka (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 08.12.2015 (Annexure P-2) and affidavit of respondent No.2 dated 08.12.2015 (Annexure P-3).

Vide order dated 18.12.2015, 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 18.12.2015, the parties have appeared before the learned Magistrate on 11.1.2016 for getting their statements recorded.

The report dated 14.1.2016 received from the learned Judicial Magistrate 1st Class, Jalalabad (W), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gagandeep Kaur before the Judicial Magistrate 1st Class, Jalalabad, on 11.1.2016 reads as under :-

“Stated that I have lodged an FIR No.176 dated 29.10.2015 against the accused persons namely Bhagwan Dass, Jeeto Bai and Reshma Bai by naming these three accused and against No.8 to 10 unknown persons. With the intervention of respectable of society and family, I have compromised the matter with accused party and copy of my compromise deed is Ex.C1 (original of the same has been placed before the Hon'ble Punjab & Haryana High Court). I have entered into the compromise with my free will on my own without any pressure from anyone. I have no objection if the FIR against the accused 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.0176 dated 29.10.2015, under Sections 447, 511, 379, 148 and 149 IPC, registered at Police Station Sadar, Jalalabad, District Fazilka and the consequential proceedings arising therefrom are hereby quashed qua petitioners.

The petition is disposed of.

March 14, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE