

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

**Criminal Misc. No. M-43986 of 2014
Date of Decision:-11.01.2016**

Sandeep Kumar alias Kapil 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. A.K. Khunger, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Naveen Sharma, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.395 dated 16.12.2009, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Poloce Station Division No.4, Jalandhar (Annexure P-1) alongwith all consequential proceedings on the basis of compromise dated 10.4.2014 (Annexure P-2).

Vide order dated 30.10.2015, 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 30.10.2015, the parties have appeared before the learned Magistrate for getting their statements recorded.

The report dated 21.11.2015 received from the learned Chief Judicial Magistrate, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure. Mr. Sham Bhardwaj, Manager, authorized representative of respondent No.2 appeared before the trial Court and made statement to the effect that he has arrived at compromise with the petitioner voluntarily and without any pressure from any side. He has no objection if this FIR is quashed qua petitioner.

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected between the parties.

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 **Gian Singh vs. State of Punjab and others, (2012) 10 SCC 303** this petition is allowed and FIR No.395 dated 16.12.2009, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Poloce Station Division No.4, Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

January 11, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE