

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

Criminal Misc. No. M-5053 of 2016

Date of Decision:-07.04.2016

Tara Singh 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. Suresh Kumar Arya, Advocate
for the petitioners.

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

Mr. Rimple Saini, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.159 dated 6.7.2013 (Annexure P-1), under Sections 406, 420 and 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 12.12.2015 (Annexure P-2).

Vide order dated 12.2.2016, this Court had directed

the parties to appear before the Illaqa Magistrate/trial Court on 18.3.2016 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 12.2.2016, the parties have appeared before the learned Magistrate on 21.3.2016 for getting their statements recorded.

The report dated 22.3.2016 received from the learned Additional Chief Judicial Magistrate, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jaswant Singh before the ACJM, Jalandhar, on 21.3.2016 reads as under :-

“Stated that the present FIR No.159 dated 6.7.2013 under Sections 406, 420, 120-B IPC, P.S. Navi Baradari, Jalandhar was registered on my statement against accused Tara Singh son of Shri Gurbaksh Singh, Sarabjit Singh son of Shri Joginder Singh and Rajinder Kumar son of Shri Sant Ram. Now with the intervention of the respectables, compromise has already been effected between us. Terms of the compromise were reduced into writing on 12.12.2015. Certified copy of the same is Ex.C1. In view of the compromise, I do not want to further proceed with the present case and have no objection if the present FIR is quashed. I have effected the compromise with the accused persons

voluntarily with my free will and consent and without any threat, coercion or undue influence from any quarter. I have brought my original driving license and the copy of the same is Ex.C2.”

Learned counsel appearing for respondent No.2 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 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 allowed and FIR No.159 dated 6.7.2013 (Annexure P-1), under Sections 406, 420 and 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar and the consequential proceedings arising therefrom are hereby

quashed qua petitioners on the basis of compromise.

April 07, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE