

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

Criminal Misc. No. M-5491 of 2016

Date of Decision:-06.04.2016

Gurnam Singh

...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. F.S. Virk, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.12 dated 11.1.2012, under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Patiala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 15.12.2015 (Annexure P-2).

Vide order dated 15.2.2016, 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 15.2.2016, the parties have appeared before the learned Magistrate on 09.3.2016 for getting their statements recorded.

The report dated 15.3.2016 received from the learned Judicial Magistrate 1st Class, Patiala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kewal Krishan before the JMJC, Patiala, on 09.3.2016 reads as under :-

“Stated that I have compromised with the accused Gurnam Singh in the present case. Now, I have no grudge or any complaint against the accused person of the present case. I have no objection if the FIR No.12 dated 11.1.2012 under Sections 406, 420, 465, 467, 468 and 471 IPC registered at Police Station Sadar, Patiala against the accused is quashed by the Hon'ble Court. I have given this statement voluntarily without any force, fraud or coercion from anybody.”

Learned State counsel on instructions from HC Paramjit Singh 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.12 dated 11.1.2012, under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Patiala and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE