

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

Criminal Misc. No. M-5509 of 2016

Date of Decision:-06.04.2016

Gurpreet Singh and another

...Petitioners

Versus

State of Punjab and others

...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. Jasdev Singh Thind, Advocate for
Mrs. Sushma Chopra, Advocate
for the petitioners.

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

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.23 dated 26.2.2013 (Annexure P-1), under Sections 279, 337, 338 and 427 IPC, registered at Police Station Lohian, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 19.3.2013 (Annexure P-2).

Vide order dated 16.2.2016, 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 16.2.2016, the parties have appeared before the learned Magistrate on 09.3.2016 for getting their statements recorded.

The report dated 14.3.2016 received from the learned Sub Divisional Judicial Magistrate, Nakodar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kulwant Singh before the SDJM, Nakodar, on 09.3.2016 reads as under :-

“I am complainant in the case FIR No.23 dated 26.2.2013, under Sections 279, 337, 338 and 427 of Indian Penal Code, P.S. Lohian, Tehsil Shahkot, District Jalandhar, and the said FIR was lodged by me against the accused Gurpreet Singh and Rajwinder Singh alias Raju. I have entered into a compromise with above said accused who are present in the Court today, with my free will and without any kind of pressure. I have no objection if such FIR and subsequent proceedings in question are quashed against the said accused by the Hon'ble High Court.”

Similar statement has been made by respondent No.3-injured Jeeuana alias Jiwan Singh with regard to the compromise.

Learned State counsel 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 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 allowed and FIR No.23 dated 26.2.2013 (Annexure P-1), under Sections 279, 337, 338 and 427 IPC, registered at Police Station Lohian, District Jalandhar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 06, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE