

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

Criminal Misc. No. M-5603 of 2016

Date of Decision:-06.04.2016

Joginder Jaura and another

...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. Rahul Bhargava, Advocate
for the petitioners.

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

Mr. Ruhani Chadha, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.16 dated 30.1.2016 (Annexure P-1), under Sections 419, 420, 448, 464, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Amritsar along with all consequential proceedings arising therefrom on the basis of compromise (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 19.3.2016 received from the learned Additional Chief Judicial Magistrate, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Priya before the ACJM, Amritsar, on 09.3.2016 reads as under :-

“That one FIR No.16 dated 30.1.2016, under Sections 419, 420, 448, 464, 465, 467, 468, 471 and 120-B of IPC registered at P.S. Sadar, Amritsar was got registered by me against accused persons namely Joginder Jaura and Priya Jaura. Now with the intervention of respectables of society,, compromise has been effected between us without any pressure and undue influence. As per the compromise, I do not want to proceed with the case further and I have no objection if the FIR No.16 dated 30.1.2016, under Sections 419, 420, 448, 464, 465, 467, 468, 471 and 120-B of IPC registered at P.S. Sadar, Amritsar be quashed/cancelled by the Hon'ble High Court.”

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 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.16 dated 30.1.2016 (Annexure P-1), under Sections 419, 420, 448, 464, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar, Amritsar 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