

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

Criminal Misc. No. M-5846 of 2016

Date of Decision:-28.04.2016

Jatinderbir Singh @ J.B.

...Petitioner

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. Devinder Singh Nigha, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Ms. Ashu Chojar, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.189 dated 23.8.2012, under Sections 336, 427 and 506 IPC and Section 25 of the Arms Act, 1959 (later on Section 27 of the Arms Act was added), registered at Police Station Phase 1, Mohali (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 12.1.2016 (Annexure P-2).

Vide order dated 17.2.2016 and 16.3.2016, 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 16.3.2016, the parties have appeared before the learned Magistrate on 21.3.2016 for getting their statements recorded.

The report dated 28.3.2016 received from the learned Chief Judicial Magistrate, SAS Nagar, Mohali, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Manjit Kaur before the CJM, SAS Nagar, Mohali, on 21.3.2016 reads as under :-

“Stated that FIR of the present case was registered in terms of my statement against the accused. I have effected compromise with the accused. I effected the compromise voluntarily with accused without any pressure or coercion from any quarter. So, I do not want to pursue the FIR. I have no objection if the FIR is quashed on the basis of the compromise.”

Similar statement has been made by victim/witness Gurpreet Singh.

Learned counsel appearing for respondent Nos.2 and 3 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.189 dated 23.8.2012, under Sections 336, 427 and 506 IPC and Section 25 of the Arms Act, 1959 (later on Section 27 of the Arms Act was added), registered at Police Station Phase 1, Mohali and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 28, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE