

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

**Criminal Misc. No. M-6373 of 2016
Date of Decision:-29.04.2016**

Inderpal 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. Harkanwar Jeet Singh, Advocate
for the petitioner.

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

Mr. Manpreet Singh Dua, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.20 dated 7.2.2016, under Sections 379 and 511 IPC, registered at Police Station Sarabha Nagar, Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 8.2.2016 (Annexure P-2).

Vide order dated 23.2.2016, 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 23.2.2016, the parties have appeared before the learned Magistrate on 2.3.2016 for getting their statements recorded.

The report dated 2.3.2016 (inadvertantly mentioned as 2.3.2015) received from the learned Chief Judicial Magistrate, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Deep Singh before the CJM, Ludhiana, on 2.3.2016 reads as under :-

“Stated that I had lodged a FIR No.20 dated 7.2.2016, under Sections 379/511 IPC, at Police Station Sarabha Nagar, Ludhiana against Inderpal Singh son of Shri Harcharan Singh. The matter has been compromised between me and Inderpal Singh, accused and the compromise has also been reduced into writing vide compromise deed dated 4.2.2016. The compromise deed dated 4.2.2016 bears my signatures and the deed is Ex.C1. I have arrived at this compromise voluntarily and without any coercion or undue influence. The compromise is genuine. I have no objection if the FIR is quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. I have brought my original Adhar Card in the Court today and I am placing a self attested copy of the same on the Court file. Inderpal Singh is the only accused in this FIR and no accused has been declared as Proclaimed Offender in this case.”

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.20 dated 7.2.2016, under Sections 379 and 511 IPC, registered at Police Station Sarabha Nagar, Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

April 29, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE