

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

Criminal Misc. No. M-6378 of 2016

Date of Decision:-24.05.2016

Jasmeet Singh

...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. Madhur Sharma, Advocate for
Mr. Gagan Oberoi, Advocate
for the petitioner.

Mr. P.S. Madahar, AAG Punjab.

Mr. Rahul Jaswal, Advocate
for respondents No.2 to 6.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.36 dated 21.2.2010, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Model Town, District Ludhiana (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioner contends that during the pendency of trial, complainant Paramjit Singh expired and his LRs have been impleaded as respondents No.2 to 6.

Vide order dated 23.2.2016 this Court had directed the parties to appear before the trial Court on 1.3.2016 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 1.3.2016 for getting their statements recorded.

The report dated 10.3.2016 received from the learned ACJM, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statements of legal heirs i.e. respondents No.2 to 6 have been recorded before the learned Additional Chief Judicial Magistrate, Ludhiana on 1.3.2016. The contents of the statements are similar. However, the statement made by Balwinder Kaur widow of complainant Paramjit Singh being legal heir before the ACJM, Ludhiana, on 1.3.2016 reads as under :-

“Stated that I am the widow of complainant Paramjit Singh. The present case bearing FIR No.36 dated 21.2.2010, under Sections 279, 337, 338, 427 IPC, P.S. Model Town, Ludhiana was registered on the statement of my husband Paramjit Singh deceased. I being the legal heir of deceased Paramjit Singh has

compromised the matter with the accused Jasmeet Singh son of Kanwaljeet Singh, resident of House No.653, Phase-1, Dugri, Ludhiana, voluntarily out of my free will without any inducement, threat and pressure with the intervention of respectables of our locality and I have no grudge against the accused present in the Court and I shall have no objection in case FIR is quashed by the Hon'ble High court against the accused present in Court. No other criminal complaint except the present FIR has been lodged by me against the accused.”

Learned counsel appearing for respondents No.2 to 6 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.36 dated 21.2.2010, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Model Town, District Ludhiana and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 24, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE