

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

**Criminal Misc. No. M-6499 of 2016  
Date of Decision:-06.05.2016**

Balkar 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. Sushil Jain, Advocate for  
Mr. Sukhdeep Parmar, Advocate  
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

**HARI PAL VERMA J.(Oral)**

Prayer in the present petition is for quashing of FIR No.17 dated 13.4.2015, under Sections 457, 379 and 506 IPC, registered at Police Station Sadar, Nabha, Tehsil Nabha, District Patiala (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 16.2.2016 (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 10.3.2016 for getting their statements recorded.

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

The statement made by complainant Bhagwan Singh before the SDJM, Nabha, on 10.3.2016 reads as under :-

“The present case bearing FIR No.17 dated 13.4.2015 under Sections 457, 379, 506 and 201 IPC, with the Police of P.S. Sadar, Nabha was got registered by me against four accused namely Balkar Singh son of Bhagwan Singh resident of Village Sangatpura, P.S. Sadar, Nabha, Gian Singh son of Vir Singh, Jatinder Singh son of Gian Singh both residents of Village Kheri Manian, District Patiala and Manjit Kaur wife of Balkar Singh, resident of Village Sangatpura, P.S. Sadar, Nabha, District Patiala. Now, the matter has been compromised with the intervention of respectable persons and I do not want to proceed with the present case and I have no objection if FIR in the present case has been quashed. In the present case no accused had

been declared as proclaimed offender and the present compromise between me and the compromise is genuine voluntary and without any coercion and or undue influence.”

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 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.17 dated 13.4.2015, under Sections 457, 379 and 506 IPC, registered at Police Station Sadar, Nabha, Tehsil Nabha, District Patiala and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 06, 2016  
Vijay Asija

( **HARI PAL VERMA** )  
**JUDGE**