

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

Criminal Misc. No. M-6844 of 2016

Date of Decision:-06.05.2016

Sukhdeep Kaur

...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. Shiv Charan, Advocate for
Mr. Sandeep Singh Deol, 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.168 dated 14.9.2012, under Sections 279, 337, 338, 427 IPC (Annexure P-1), registered at Police Station Adampur, Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 26.2.2016, this Court had directed the parties to appear before the 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 26.2.2016, the parties have appeared before the learned Magistrate on 15.3.2016 for getting their statements recorded.

The report dated 16.3.2016 received from the learned Judicial Magistrate 1st Class, Jalandhar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sarabjit Singh before the JMJC, Jalandhar, on 15.3.2016 reads as under :-

“I have entered into the compromise with the accused Sukhdeep Kaur daughter of Kulwaran Singh, resident of Village Nangal Fateh Khan, Tehsil and District Jalandhar with regard to FIR No.168 dated 14.9.2012, under Sections 279, 337, 338 and 427 IPC and I have no objection if the said FIR and subsequent proceedings against above said accused is quashed. The compromise has been effected voluntarily without any coercion, duress or any undue influence. I do not want to proceed with the present FIR case as per our compromise. In the said FIR only I was injured. No other eye witness in this FIR. I have brought today my Adhar Card as ID proof issued by Govt. of India. Photocopy of the same is Ex.CA.”

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.168 dated 14.9.2012, under Sections 279, 337, 338, 427 IPC (Annexure P-1), registered at Police Station Adampur, Jalandhar 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