

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

Criminal Misc. No. M-6907 of 2016

Date of Decision:-06.05.2016

Mohan Singh and others

...Petitioners

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. Iqbal Mohammed, Advocate
for the petitioners.

Mr. R.S. Nain, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.100 dated 8.11.2015, under Section 420 IPC, registered at Police Station Cheema, District Sangrur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 4.1.2016 (Annexure P-2).

Vide order dated 26.2.2016, 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 26.2.2016, the parties have appeared before the learned Magistrate on 15.3.2016 for getting their statements recorded.

The report dated 19.3.2016 received from the learned Sub Divisional Judicial Magistrate, Sunam (Sangrur), reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Surjeet Singh before the SDJM, Sunam, on 15.3.2016 reads as under :-

“That the present case bearing FIR No.100 dated 8.11.2015 U/S 420 IPC, P.S. Cheema, District Sangrur was registered against accused (1) Mohan Singh son of Ranjit Singh, (2) Jasvir Kaur wife of Mohan Singh and (3) Prabhjot Kaur daughter of Mohan Singh, all resident of House No.2559, Sector 66, LIG flats, Mohali on my statement for defrauding me. None else had suffered any loss.

Now, with the intervention of our relatives and the respectable persons of the society, the matter has stood compromised with the accused persons. I do not want to proceed further into the matter in the above said case FIR against the accused persons. Our compromise is without any pressure or coercion. I have made my

statement in the Court today with my own discretion and without any pressure or coercion or undue influence.

I have got no objection if the accused persons be discharged or acquitted of the charges framed against them.

I have got no objection if the above said FIR be quashed along with the subsequent proceedings arising therefrom, against the accused persons. No proclamation proceedings are pending against any of the accused persons.

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.100

dated 8.11.2015, under Section 420 IPC, registered at Police Station Cheema, District Sangrur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

May 06, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE