

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

Criminal Misc. No. M-7841 of 2016

Date of Decision:-07.04.2016

Sandeep Ghosh and another

...Petitioners

Versus

State of Haryana 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. Vikas Sabharwal, Advocate
for the petitioners.

Mr. Ashish Yadav, Additional A.G., Haryana.

Mr. B.S. Makkad, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.340 dated 12.9.2015, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Sector 5, Panchkula (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 20.2.2016 (Annexure P-2).

Vide order dated 3.3.2016, this Court had directed the parties to appear before the Jurisdictional Magistrate on

18.3.2016 or any other date convenient to the 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 3.3.2016, the parties have appeared before the learned Magistrate on 18.3.2016 for getting their statements recorded.

The report dated 25.3.2016 received from the learned Chief Judicial Magistrate, Panchkula, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Purshotam Dutt Joshi before the CJM, Panchkula, on 18.3.2016 reads as under :-

“Stated that I have compromised the matter with the accused Sandeep Ghosh and Gaurav Bhatia out of my free will and consent and without any coercion and undue influence and executed compromise deed Ex.C-1 and the said compromise is genuine between the parties. Now, there is no ill will between the parties.”

In addition to the aforesaid statement, learned counsel for respondent No.2 states that respondent No.2-complainant has no objection if the present FIR is quashed as the matter has amicably been settled 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.340 dated 12.9.2015, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Sector 5, Panchkula and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

April 07, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE