

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

Criminal Misc. No. M-8092 of 2016

Date of Decision:-11.05.2016

Deepak 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. Neeraj Sharma, Advocate
for the petitioner.

Mr. R.S. Nain, Assistant A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.72 dated 21.11.2015, under Sections 304-A, 279, 337 and 338 IPC, registered at Police Station Sekhwan, District Gurdaspur along with all consequential proceedings arising therefrom on the basis of compromise dated 29.1.2016 (Annexure P-2).

Vide order dated 9.3.2016, 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 9.3.2016, the parties have appeared before the learned Magistrate on 4.4.2016 for getting their statements recorded.

The report dated 11.4.2016 received from the learned Judicial Magistrate 1st Class, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jaspal Singh before the JMJC, Batala, on 4.4.2016 reads as under :-

“That the present case in FIR No.72 dated 21.11.2015 under Sections 304-A, 279, 337 and 338 IPC, Police Station Sekhwan, District Gurdaspur, was registered against accused namely, Deepak Singh son of Satnam Singh, resident of Village Nangal Panwa, Tehsil Majitha, District Amritsar, on my statement. Now the matter has been compromised between the parties with the intervention of respectable persons and relatives from both sides. I do not want to proceed against the accused, as I do not have any grudge against the petitioner/accused and we want to live in society with peace and harmony and I have no objection if the present case in FIR No.72 dated 21.11.2015, is quashed. I have suffered this statement without any pressure or coercion.”

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.72 dated 21.11.2015, under Sections 304-A, 279, 337 and 338 IPC, registered at Police Station Sekhwan, District Gurdaspur and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 11, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE