

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

Criminal Misc. No. M-8230 of 2016

Date of Decision:-11.05.2016

Gorinder Singh Sohi

...Petitioner

Versus

State of Punjab and others

...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. Lovesh Kumar Puri, 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.12 dated 28.1.2013, under Sections 279, 337 and 427 IPC, registered at Police Station Sirhind, District Fatehgarh Sahib along with all consequential proceedings arising therefrom on the basis of compromise dated 2.2.2016 (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 3.5.2016 for getting their statements recorded.

The report dated 3.5.2016 received from the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Anil Kumar before the ACJM, Fatehgarh Sahib, on 3.5.2016 reads as under :-

“I have entered into the compromise with the accused namely Gurinder Singh Sohi son of Mohinder Singh Sohi, resident of H.No.22E, Rattan Nagar, Patiala. I have no objection if the FIR No.12 dated 28.1.2013, under Sections 279, 337, 427 of IPC, Police Station Sirhind, registered against accused Gurinder Singh Sohi is quashed by the Hon'ble High Court. The compromise dated 2.2.2016 has been effected voluntarily without any coercion, duress or any undue influence. I do not want to proceed with the present case as per our compromise.”

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.12 dated 28.1.2013, under Sections 279, 337 and 427 IPC, registered at Police Station Sirhind, District Fatehgarh Sahib 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