

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

Criminal Misc. No. M-8969 of 2016

Date of Decision:-16.05.2016

Harbhagwan 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. Ravish Bansal, Advocate
for the petitioner.

Mr. R.S. Nain, AAG Punjab.

Mr. Abhishek Singla, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.124 dated 2.8.2015, under Section 354 IPC, registered at Police Station Dayalpura, District Bathinda (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 15.3.2016, this Court had directed the parties

to appear before the Illaqa Magistrate 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 15.3.2016, the parties have appeared before the learned Magistrate on 8.4.2016 for getting their statements recorded.

The report dated 22.4.2016 received from the learned Judicial Magistrate 1st Class, Phul, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Karamjeet Kaur before the Judicial Magistrate 1st Class, Phul, on 8.4.2016 reads as under :-

“Stated that a compromise has been entered between me and accused Harbhagwan Singh son of Sadhu Singh with the intervention of respectable persons and I do not want to continue my case against the accused Harbhagwan Singh son of Sadhu Singh in FIR No.124 dated 2.8.2015, P.S. Dialpura, Under Section 354 IPC. Now there is no dispute between me and accused of any kind. I have given the statement out of my free will without any external pressure or coercion. I have no objection if the FIR No.124 dated 2.8.2015, P.S. Dialpura, Under Section 354 IPC is quashed against the above mentioned accused Harbhagwan Singh.”

Learned counsel appearing for respondent No.2 does not dispute the fact of compromise effected 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.124 dated 2.8.2015, under Section 354 IPC, registered at Police Station Dayalpura, District Bathinda and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

May 16, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE