

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

Criminal Misc. No. M-9367 of 2016

Date of Decision:-30.05.2016

Karnail 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. Karanjit Singh, 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.3 dated 10.1.2015, under Section 420 IPC, registered at Police Station Anandpur Sahib, District Rupnagar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 2.3.2015 (Annexure P-2).

Vide order dated 16.3.2016, 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 16.3.2016, the parties have appeared before the learned Magistrate on 16.4.2016 for getting their statements recorded.

The report dated 22.4.2016 received from the learned Sub Divisional Judicial Magistrate, Sri Anandpur Sahib, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sajjan Singh before the SDJM, Sri Anandpur Sahib, on 16.4.2016 reads as under :-

“Stated that in the present case FIR No.03 dated 10.1.2015 was registered on my statement given to the police. I have entered into compromise with the accused Karnail Singh, Baldev Singh and Paramjit Kaur with the intervention of the respectables of the village and our family members and now I do not want to take any action against the accused. I have entered into compromise with the accused out of my own free will and without any undue influence and pressure from any side. I have no objection if the FIR of the present case is quashed. I have seen the copy of compromise dated 2.3.2015 which is Mark-A and I identify my signature on the same at point-A.”

Learned State counsel on instructions from HC Pritam Singh 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.3 dated 10.1.2015, under Section 420 IPC, registered at Police Station Anandpur Sahib, District Rupnagar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

May 30, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE