

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-10574 of 2014

Decided on : 07.07.2015

Sanjeev Sood and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. Pankaj Bali, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.

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?

Hari Pal Verma, J. (Oral)

Prayer in the present petition is for quashing of FIR No.42, dated 19.4.2008 under Sections 498-A and 406 IPC, registered against the petitioners at Police Station, Mehta, Amritsar (Annexure P/1) on the basis of compromise dated 13.3.2014 alongwith consequential proceedings arising therefrom.

On March 26, 2014, this Court has passed the following order:-

“Quashing of FIR, on the basis of compromise has been prayed for.

Notice of motion to the respondents for 5.8.2014.

Meanwhile, the parties are directed to appear before the trial Court on the date fixed. The said Court will record the statements of the parties on the said date or on any other date convenient to it regarding the matter having been compromised and send a report for the date fixed regarding the matter having been compromised voluntarily

without coercion and undue influence”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Baba Bakala Sahib (Amritsar), has submitted a report dated 10.6.2014 vide which it is mentioned that parties have appeared before the trial Court and gave their statements without any pressure and with their free will in respect of compromise effected between them.

Learned State counsel has also admitted the factum of compromise effected between the parties.

After perusing the statements of the parties and the report of Judicial Magistrate, 1st Class, Baba Bakala Sahib (Amritsar), learned State counsel submits that he has no objection if the impugned FIR is quashed.

Mr.Pankaj Sangari, Advocate has put in appearance on behalf of respondent No.2 and endorsed the compromise effected between the parties.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 498-A and 406 IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Baba Bakala Sahib (Amritsar) has recorded the statements of the parties with regard to compromise and the report has also been received in this regard. Therefore, continuation of the trial arising out of the impugned FIR would be a sheer abuse of the process of law because chances of conviction are bleak.

Keeping in view the factum of the compromise effected between the private parties and the law laid down by Full Bench of this Court in the case of Kulwinder Singh and others Vs. State of Punjab and another, 2007 (3) RCR (Criminal), 1052, (P&H), this petition is accepted and FIR No.42, dated 19.4.2008 under Sections 498-A and 406 IPC, registered against the petitioners at Police Station, Mehta, Amritsar (Annexure P/1) along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.5,000/- to be deposited with the Punjab State Legal Services Authority, Chandigarh, receipt of which shall be submitted in the registry of this Court within one month from today and the registry shall tag the same with the case file.

[Hari Pal Verma]
Judge

07.07.2015
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