

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-10571 of 2015

Decided on : 13.05.2015

Sarabjit Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ramesh Sharma, Advocate for the petitioners.
Mr.P.S.Madahar, AAG, Punjab.
Mr.B.S.Jaswal, Advocate for respondent No.2.

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.255, dated 14.12.2012, under Sections 420 and 120-B, IPC (offence under Sections 467, 468 and 471, IPC added lateron) registered against the petitioners at Police Station Beas, District Amritsar(Annexure P/1) on the basis of compromise dated 28.03.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 01.04.2015, this Court has passed the following order:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.255 dated 14.12.2012, under Sections 420 and 120-B IPC, registered at Police Station Beas, District Amritsar, and offence under Sections 467, 468 and 471 IPC added later on (Annexure P-1), on the basis of the compromise dated 28.3.2015 (Annexure P-2).

Notice of motion.

Mr. Balbir Singh Jaswal, Advocate puts in appearance and accepts notice on behalf of respondent No.2.

Considering the fact that the quashing is on the

basis of compromise, the parties are directed to appear before Illaqa Magistrate/trial Court, for recording of their respective statements with regard to compromise, on 10.4.2015.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) *Number of persons arrayed as accused in FIR.*
- (ii) *Whether any accused is proclaimed offender.*
- (iii) *Whether the compromise is genuine, voluntary, and without any coercion or undue influence.*

Adjourned to 13.5.2015..”

In compliance of the above order passed by this Court, the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar has submitted a report dated 18.04.2015 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 420, 467, 468, 471 and 120-B, IPC. They have now amicably effected the compromise with the complainant. The learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District 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.255, dated 14.12.2012, under Sections 420, 467, 468, 471, and 120-B, IPC, registered against the petitioners at Police Station Beas, District Amritsar (Annexure P/1) along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.10,000/- 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.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

13.05.2015
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