

CRM-M-11304 of 2015(O&M)

Date of decision: 15.05.2015

Ashwani Dhir and others

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

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. Ankur Mittal, Advocate for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

Mr. Amit Gupta, Advocate for the respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of the case/FIR No. 43, dated 10.03.2012, for offence under Sections 295-A IPC, registered at Police Station, Div. No. 5, District-Ludhiana (offences Under Section 3 of SC/ST(Prevention of Atrocities) Act and 66 of IT Act, were added later on) at the instance of respondent No.2 (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.12.2014 (Annexure P-2).

This Court vide order dated 10.04.2015, had directed the parties to appear before the illaqa Magistrate/trial Court to get their statements recorded and the illaqa Magistrate/trial Court was directed to submit its report about the genuineness of the compromise, as per the statements of the parties.

Accordingly, the parties have appeared before learned Addl. Chief Judicial Magistrate, Ludhiana, and have got their respective statements recorded. On the basis of the statements so recorded by the parties, learned Addl. Chief Judicial Magistrate, Ludhiana, has submitted his report dated 29.04.2015 to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR *qua* the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and case/FIR No. 43, dated 10.03.2012, for offence under Sections 295-A IPC, registered at Police Station, Div. No. 5, District-Ludhiana (offences Under Section 3 of SC/ST(Prevention of Atrocities) Act and 66 of IT Act, were added later on) at the instance of respondent No.2 (Annexure P-1) and all the subsequent proceedings arising therefrom *qua* the petitioners, are hereby quashed, on the basis of compromise dated 06.12.2014 (Annexure P-2).

May 15, 2015
Anjal

(HARI PAL VERMA)
JUDGE