

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-11399 of 2015

Decided on : 08.07.2015

Jaswinder Singh @ Happy and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Kuljit Singh, Advocate
for the petitioners.
Mr.P.S.Madahar, AAG, 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. 46 dated 23.5.2014 (Annexure P-1), under Sections 406 and 498-A IPC read with Section 34 IPC, registered at Police Station Maltania, District Hoshiarpur and all the proceedings subsequent arising thereto on the basis of compromise stated to be of 12.2.2015 (Annexure P-3).

On 20.05.2015, this Court has passed the following order:-

“Though the parties were ordered to appear before the Illaqa Magistrate/Trial Court to get their statements recorded and statements of petitioners No.1 to 3 were recorded. However, statements of petitioners No.4 and 5 could not be recorded as respondent No.5 is employed in Army and posted in Jammu.

Learned counsel for the petitioners seeks further time to get statements of petitioners No.4 and 5 recorded .

On his request, adjourned to 8.7.2015.

Meanwhile, petitioners No.4 and 5 may appear before the Illaqa Magistrate/Trial Court on 11.06.2015 for recording their statements and the

trial court shall submit its supplementary report by taking into consideration the statements of petitioners No.4 and 5.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Hoshiarpur, has submitted a report dated 02.07.2015 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 Judicial Magistrate, 1st Class, Hoshiarpur, 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 406 and 498-A IPC read with Section 34 IPC. They have now amicably effected the compromise with the complainant. The Judicial Magistrate, 1st Class, Hoshiarpur 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. 46 dated 23.5.2014 (Annexure P-1), under Sections

406 and 498-A IPC read with Section 34 IPC, registered at Police Station Maltania, District Hoshiarpur along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

08.07.2015
sd