

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12529 of 2015

Decided on : 27.05.2015

Manjinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.R.K.Arya, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Sukhminder Singh Kanth, Advocate for the complainant.

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.31, dated 26.03.2015, under Sections 324, 323, 149, 506 IPC, registered against the petitioners at Police Station, City, Gurdaspur, District Gurdaspur, (Section 326 IPC has been added lateron,) on the basis of compromise dated 9.4.2015 alongwith consequential proceedings arising therefrom.

On 22.4.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of the FIR No. 31,dated 26.03.2015 (Annexure P-1), for offence under Sections 324, 323, 149, 506 IPC, registered at Police Station, City, Gurdaspur, District-Gurdaspur, in which Section 326 IPC has been added later on, on the basis of the compromise dated 09.04.2015. (Annexure P-2).

Notice of motion.

At this stage, Mr. Sukhwinder Singh Kanth, Advocate, has put in appearance on behalf of respondent No.2 and accepts notice.

In view of the compromise, the parties are directed to appear before the Illaqa

Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 01.05.2015.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the date fixed 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.
- List on 27.05.2015..”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Gurdaspur, has submitted a report dated 20.05.2015 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 Chief Judicial Magistrate, Gurdaspur, 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 324, 323, 149, 506 IPC (Section 326 IPC has been added lateron). They have now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Gurdaspur 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.31, dated 26.03.2015, under Sections 324, 323, 149, 506 IPC, registered against the petitioners at Police Station, City, Gurdaspur, District Gurdaspur, (Section 326 IPC has been added lateron,) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

27.05.2015
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