

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12573 of 2015

Decided on : 20.05.2015

Kawaljit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Deepak Sabherwal, Advocate
for the petitioners.
Mr.P.S.Madahar, AAG, Punjab.
Mr.Pankaj Kundra, 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.105, dated 21.07.2014 under Sections 323, 324, 186, 353, 332, 333 and 34 IPC, registered against the petitioners at Police Station Goindwal Sahib, District Tarn Taran (Annexure P/1) on the basis of compromise dated 23.02.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 23.04.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No.105 dated 21.7.2014, under Sections 323, 324, 186, 353, 332 and 333 read with Section 34 IPC, registered at Police Station Goindwal Sahib, District Tarn Taran (Annexure P-1) on the basis of compromise dated 23.2.2015 (Annexure P-2).

Notice of motion for 13.5.2015.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 29.4.2015.

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..”

In compliance of the above order passed by this Court, the Sub Divisional Judicial Magistrate, has submitted a report dated 07.05.2015 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.

Mr.Pankaj Kundra, Advocate has put in appearance on behalf of the complainant, Puran Singh and does not dispute the factum of compromise. He has filed an affidavit of Puran Singh, complainant in which he has stated that he has no objection in case the present petition is allowed and the FIR and all subsequent proceedings arising therefrom are quashed.

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, 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 323, 324, 186, 353, 332, 333 and 34 IPC. They have now amicably effected the compromise with the complainant. The learned Sub Divisional Judicial Magistrate 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.105, dated 21.07.2014 under Sections 323, 324, 186, 353, 332, 333 and 34 IPC, registered against the petitioners at Police Station Goindwal Sahib, District Tarn Taran (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

20.05.2015
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