

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12694 of 2015

Decided on : 13.05.2015

kewal Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.H.S.Mann, Advocate for the petitioners.
Mr.P.S.Madahar, AAG, Punjab.
Mr.Ramesh Chand Sharma, Advocate
for respondents No.2 and 3.

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.52, dated 13.02.2014 under Sections 419, 420, 467, 468, 471 and 120-B, IPC, registered against the petitioners at Police Station Civil Lines, District Amritsar City (Annexure P/1) on the basis of compromise dated 01.12.2014 (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 the FIR No. 52, dated 13.02.2014, for offence under Sections 419, 420, 467, 468, 471, and 120-B IPC, registered at Police Station, Civil Lines, District- Amritsar City (Annexure P-1), and all other consequential proceedings arising out of the aforesaid FIR, on the basis of the compromise dated 01.12.2014. (Annexure P-2).

Notice of motion for 13.05.2015.

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 29.04.2015.

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..”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Amritsar, 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.

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, 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 419, 420, 467, 468, 471 and 120-B, IPC . They have now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, 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.52, dated 13.02.2014 under Sections 419, 420, 467, 468, 471 and 120-B, IPC, registered against the petitioners at Police Station Civil Lines, District Amritsar City (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

13.05.2015
sd