

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12800 of 2015

Decided on : 27.05.2015

Gurpreet Singh @ Heera

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ashish Aggarwal, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Manoj K.Sharma, 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.16, dated 21.01.2015, under Sections 363, 366-A, IPC, registered against the petitioner at Police Station Gate Hakima, District Amritsar City (Annexure P/1) on the basis of compromise dated 30.03.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 28.04.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of the case FIR No. 16, dated 21.01.2015, for offence under Sections 363 and 366-A IPC, registered at Police Station, Gate Hakima, District- Amritsar City (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2015 (Annexure P-2).

Notice of motion 27.05.2015.

At this stage, Mr. Manoj K. Sharma, Advocate, has put in appearance on behalf of respondent on behalf of respondents No.2, 3 and 4 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 06.05.2015.

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 Civil Judge, Jr.Divn.Amritsar, has submitted a report dated 13.5.2015 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 Civil Judge, Jr.Divn.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 363, 366-A, IPC. They have now amicably effected the compromise with the complainant. The learned Civil Judge, Jr.Divn. 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.16, dated 21.01.2015, under Sections 363, 366-A, IPC, registered against the petitioners at Police Station Gate Hakima, District Amritsar City (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

27.05.2015
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