

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12801 of 2015

Decided on : 13.05.2015

Mahinder Pal Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Iqbal Singh Mann, Advocate for the petitioner.
Mr.P.S.Madahar, AAG, Punjab.
Mr.Gagandeep Singh Simble, 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.146, dated 09.12.2014, under Sections 457, 380 IPC, registered against the petitioner at Police Station Sadar Muktsar, District Sri Muktsar Sahib (Annexure P/1) on the basis of compromise dated 13.04.2015 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.146, dated 09.12.2014(Annexure P-1), for offence under Sections 457 and 380 IPC, registered at Police Station, Sadar Muktsar, District-Sri Muktsar Sahib, and subsequent proceedings arising therefrom, on the basis of the compromise dated 13.04.2015(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 Addl. Chief Judicial Magistrate, Sri Muktsar Sahib, 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 Addl. Chief Judicial Magistrate, Sri Muktsar Sahib, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioner has been booked for having committed the offence punishable under Sections 457, 380 IPC. He has now amicably effected the compromise with the complainant. The learned Addl. Chief Judicial Magistrate, Sri Muktsar Sahib 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.146, dated 09.12.2014, under Sections 457, 380 IPC, registered against the petitioner at Police Station Sadar Muktsar, District Sri Muktsar Sahib (Annexure P/1) along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.10,000/- to be deposited with the Punjab State Legal Services Authority, Chandigarh, receipt of which shall be submitted in the registry of this Court within one month from today and the registry shall tag the same with the case file.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

13.05.2015
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