

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-12890 of 2015

Decided on : 29.07.2015

Kalu Ram and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Parvesh Sachdeva, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.Lajpat Sharma, Advocate
for respondents No.4 to 9.

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 this petition is for quashing of the FIR No.127, dated 26.05.2009, for offence under Sections 452, 323, 148, and 149 IPC, registered at Police Station, Sadar Fazilka, now District-Fazilka (Annexure P-1), however, charges framed under Sections 148, 149, 325, 323 IPC by the Ld. JMIC, Fazilka, and all other subsequent proceedings arising out thereto, on the basis of the compromise dated 25.03.2015. (Annexure P-2).

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

“Prayer in this petition is for quashing of the FIR No.127, dated 26.05.2009, for offence under Sections 452, 323, 148, and 149 IPC, registered at Police Station, Sadar Fazilka, now District-Fazilka (Annexure P-1), however, charges framed under Sections 148, 149, 325, 323 IPC by the Ld. JMIC, Fazilka, and all other subsequent proceedings arising out thereto, on the basis of the compromise dated 25.03.2015. (Annexure P-2).
Notice of motion for 15.05.2015.
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 Judicial Magistrate, 1st Class, Fazilka, has submitted a report dated 2.5.2015 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 counsel for the complainant/private respondents No.4 to 9 also admits the factum of compromise. Similarly, State counsel on instructions from ASI-Kartar Singh does not dispute the compromise.

After perusing the statements of the parties and the report of Judicial Magistrate, 1st Class, Fazilka, 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 452, 323, 148, and 149 IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Fazilka 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.127, dated 26.05.2009, for offence under Sections 452, 323, 148, and 149 IPC, registered at Police Station, Sadar Fazilka, now District-Fazilka (Annexure P-1) along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.5,000/- 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.

[Hari Pal Verma]
Judge

29.07.2015
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