

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-13059 of 2015

Decided on : 20.05.2015

Vijay Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.TPS Makkar, Advocate for the petitioner.
Mr.P.S.Madahar, AAG, Punjab.
Mr.R.P.Sullar, Advocate for respondents No.2 to 4.

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.49, dated 30.11.2010, under Sections 279, 427, 337 and 338, IPC registered against the petitioner at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P/1) on the basis of compromise dated 18.04.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 24.04.2015, this Court has passed the following order:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.49 dated 30.11.2010 under Sections 279/427/337/338 IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) on the basis of compromise dated 18.4.2015 (Annexure P-2). Notice of motion for 20.5.2015. In the meanwhile, the parties are directed to appear before trial Court/Illaq Magistrate on 28.4.2015 for recording of their respective statements with regard to compromise dated 18.4.2015 (Annexure P-2).

The trial Court/Illaq Magistrate 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.) cum JMIC, Malout has submitted a report dated 6.5.2015 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.) cum JMIC, Malout, 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 279, 427, 337 and 338 IPC. He has now amicably effected the compromise with the complainant. The learned Civil Judge (Jr.Divn.) cum JMIC, Malout 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.49, dated 30.11.2010, under Sections 279, 427, 337 and 338, IPC registered against the petitioner at Police Station Kabarwala, District Sri Muktsar Sahib (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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