

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-13098 of 2015 (O&M)

Decided on : 03.07.2015

Jarnail Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Sunil Agnihotri, Advocate for the petitioner.
Mr.R.S.Nain,AAG, Punjab.
None 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.82, dated 21.05.2012, under Sections 353, 186, IPC, registered at Police Station Tanda, District Hoshiarpur (Annexure P/1) on the basis of compromise/settlement dated 1.5.2015 alongwith consequential proceedings arising therefrom.

On May 27,2015, this Court has passed the following order:-

“Report from the learned trial Court has been received, which shows that the parties have not appeared before the Court on 1.5.2015 to get their statements recorded, as directed by this Court vide order dated 27.4.2015. Learned counsel for respondent No.2-complainant prays for another opportunity to appear before the trial Court to get their statements recorded on the ground that on account of some personal difficulty, the parties could not appear before the trial Court on 1.5.2015. Heard.

Accordingly, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their

respective statements with regard to compromise/settlement on 09.6.2015.

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.

Adjourned to 03.7.2015..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Dasuya, has submitted a report dated 11.5.2015 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 Judicial Magistrate, 1st Class, Dasuya, 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 353, 186, IPC. He has now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Dasuya 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.82, dated 21.05.2012, under Sections 353, 186, IPC, registered at Police Station Tanda, District Hoshiarpur (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

03.07.2015
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