

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-14447 of 2015

Decided on : 29.05.2015

Charan Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Yashpal Thakur, Advocate for the petitioners.
Mr.Gurinderjit Singh, DAG, Punjab.
Mrs.Tulika Jain, 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.140, dated 7.7.2012, under Sections 498A and 406, IPC, registered against the petitioners at Police Station Sadar Tarn Taran (Annexure P/1) on the basis of compromise dated 20.03.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On May 04,2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No. 140, dated 07.07.2012, for offence under Sections 498-A and 406 IPC, registered at Police Station, Sadar, Tarn Taran(Annexure P-1), and all consequential proceedings arising therefrom, on the basis of compromise dated 20.03.2015 (Annexure P-2).

Notice of motion for 29.05.2015.

Dasti as well.

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 08.05.2015.

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 Addl.Chief Judicial Magistrate, Tarn Taran has submitted a report dated 8.5.2015 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 Addl.Chief Judicial Magistrate, Tarn Taran, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Mrs.Tulika Jain, Advocate has put in appearance on behalf of respondent No.2 and admits the factum of compromise effected between the parties.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 498A and 406, IPC. They have now amicably effected the compromise with the complainant. The learned Addl.Chief Judicial Magistrate, Tarn Taran 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.140, dated 7.7.2012, under Sections 498A and 406, IPC, registered against the petitioners at Police Station Sadar Tarn Taran (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

29.05.2015
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