

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-14479 of 2015

Decided on : 22.07.2015

Lakhvir Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. Ghulam Nabi Malik, Advocate for the petitioners.
Mr.Gurinderjit Singh, DAG, Punjab.

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. 89, dated 15.06.2013, for offence under Sections 406, 498-A and 120- B IPC, registered at Police Station, Adampur, District-Jalandhar City (Annexure P-1) and consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 30.04.2015 (Annexure P-2).

On 7.5.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of the FIR No. 89,dated 15.06.2013, for offence under Sections 406, 498-A and 120- B IPC, registered at Police Station, Adampur, District-Jalandhar City (Annexure P-1) and consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 30.04.2015 (Annexure P-2).

Notice of motion for 22.07.2015.

The parties are directed to appear before the Illaqa Magistrate for recording their respective statements with regard to compromise/settlement on 01.06.2015. The Illaqa 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 Judicial Magistrate, 1st Class, Jalandhar, has submitted a report dated 3.6.2015 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 petitioners submits that petitioners namely Lakhvir Singh and Narinder Kaur are now residing as husband and wife.

Learned State counsel on instructions from Head-constable Sewadar submits that even the police is also going to submit the cancellation report before the concerned court.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 406, 498-A and 120- B IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Jalandhar 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. 89, dated 15.06.2013, for offence under Sections 406, 498-A and 120- B IPC, registered at Police Station, Adampur, District-Jalandhar City (Annexure P-1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

22.07.2015
sd