

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-1453 of 2015

Decided on : 28.04.2015

Gurdas Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Aman Dhir Advocate
for the petitioners.
Mr.R.S.Nain, DAG, Punjab.
Mr.Kanwal Goyal, Advocate
for respondents No.2 to 5.

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. 42, dated 14.06.2014, under Sections 324, 323, 148 and 149 IPC, (later on added Sections 452 and 326 IPC of SC & ST Act) against the petitioners registered at Police Station, Gidderbaha, District Sri Muktsar Sahib (Annexure P/1) on the basis of compromise dated 06.01.2015 (Annexure P/3) alongwith consequential proceedings arising therefrom.

On 15.01.2015, this Court has passed the following order:-

“Notice of motion for 28.04.2015.

At this stage, Mr.Kanwal Goyal, Advocate puts in appearance on behalf of respondents No.2 to 5.

In the meantime, parties are directed to get their statements recorded before the trial court and the trial Court is directed to send its report with

regard to the validity or otherwise of the compromise, after recording the statements of all the concerned parties, before the next date of hearing.”

In compliance of the above order passed by this Court, Sub Divisional Judicial Magistrate, Gidderbaha has submitted a report dated 10.03.2015 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 Sub Divisional Judicial Magistrate, Gidderbaha, 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 324, 323, 148 and 149 IPC, (later on added Sections 452 and 326 IPC of SC & ST Act). They have now amicably effected the compromise with the complainant. Sub Divisional Judicial Magistrate, Gidderbaha 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. 42, dated 14.06.2014, under Sections 324, 323, 148 and 149 IPC, (later on added Sections 452 and 326 IPC of SC & ST Act) against the petitioners registered at Police Station, Gidderbaha, District Sri Muktsar Sahib (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
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