

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-15307 of 2014

Decided on : 12.05.2015

Tara Chand and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. Harpal Singh, Advocate for
Mr.Gurshamshir Waraich, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.Digvijay Nagpal, 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.28, dated 15.03.2013, under Sections 379, 427 IPC, registered against the petitioners at Police Station City Malout, District Sri Muktsar Sahib (Annexure P/1) on the basis of compromise which is stated to be 11.12.2013 alongwith consequential proceedings arising therefrom.

On 05.12.2014, this Court has passed the following order:-

“Counsel for the petitioners states that the parties could not record their statements on 19.9.2014 because the petitioners are in custody in some other case but in the meanwhile, it would be appropriate if the statement of the complainant/respondent No.2 is recorded to corroborate that he has indeed entered into a settlement with the petitioners.

Counsel for the State of Punjab has also no objection to this course of action. Let the complainant now appear before the Chief Judicial Magistrate on 23.12.2014 to record his statement

and the report be sent before the next date of hearing.

Adjourned to 10.3.2015..”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Sri Muktsar Sahib, has submitted a report dated 23.12.2014, 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 Chief Judicial Magistrate, Sri Muktsar Sahib, 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 379, 427 IPC. They have now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Sri Muktsar Sahib 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.28, dated 15.03.2013, under Sections 379, 427 IPC, registered against the petitioners at Police Station City Malout, District Sri Muktsar Sahib(Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

12.05.2015
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