

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No. 10115 of 2015 in/and
CRM-M- No.15600 of 2014**

Date of decision: 08.04.2015

Sabhi and others

-----Petitioner (s)

V/s

State of Punjab and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- Mr. Anil Chawla, Advocate for the petitioner(s).

Mr. Gurinderjit Singh, Deputy Advocate General,
Punjab.

HARI PAL VERMA, J.(Oral)

CRM No. 10115 of 2015

This is application filed under Section 482 Cr.P.C. for placing on record the affidavit of Sunita Mahajan, wife of Rakesh Mahajan, as Annexure P-6, wherein, she stated that she does not want to pursue the proceedings against the petitioners and other unidentified persons.

Affidavit is taken on record.

CRM stands disposed of.

CRM-M- No.15600 of 2014

Prayer in the present petition is for quashing of FIR No.76, dated 13.03.2014, under Sections 392, 307, 452, 148, 149 of Indian Penal Code and Section 25, 27 of the Arms Act, registered at Police Station, A-Division, Amritsar City, District-Amritsar (Annexure P-1) alongwith all subsequent proceedings arising

therefrom, on the basis of compromise dated 17.04.2014 (Annexure P-2)

On 07.05.2014, this Court has passed the following order:-

"The petition is filed praying for quashing the criminal prosecution on the ground that the matter was compromised between the parties.

Notice of motion.

The petitioners as well as respondents No.2 & 3 shall appear before the trial Court on 23.5.2014. The trial Court shall record their statements and submit a report as regards the genuineness of the compromise allegedly entered into between the parties.

Post the matter on 22.7.2014."

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Amritsar, has submitted a report dated 17.06.2014, vide which it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them without any pressure and with their free will

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, Amritsar, 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 392, 307, 452, 148, 149 of Indian Penal Code and Section 25, 27 of the Arms Act. They have now amicably effected a compromise with the complainant. The learned Judicial Magistrate, 1st Class, Amritsar, has recorded the

statements of the parties with regard to compromise and 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 of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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.76, dated 13.03.2014, under Sections 392, 307, 452, 148, 149 of Indian Penal Code and Section 25, 27 of the Arms Act, registered at Police Station, A-Division, Amritsar City, District-Amritsar(Annexure P-1) alongwith all subsequent proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

April 08, 2015
Anjal

(HARI PAL VERMA)
JUDGE