

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

243

CRM-M-1777 of 2015

Decided on : 21.04.2015

Kulwant Singh and others

... *Petitioners*

Versus

State of Punjab and another

... *Respondents*

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.L.S.Sidhu, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Ms.Kuljeet Kaur, 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.125, dated 01.08.2009, under Sections 441, 427, 447, 506 and 148, IPC registered against the petitioners at Police Station, Dharamkot, District Moga (Annexure P/1) on the basis of compromise dated 23.05.2014 (Annexure P/2), alongwith consequential proceedings arising therefrom.

On 19.01.2015, this Court has passed the following order:-

“Notice of motion for 21.04.2015.

At this stage, Ms.Kuljeet Kaur, Advocate, puts in appearance on behalf of respondent No.2.

In the meantime, parties are directed to get their statements recorded before the Illaqa Magistrate and the latter is directed to send his/her report with regard to the validity or otherwise of the compromise, after recording statements of all the concerned parties, before the next date of hearing.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Moga, has submitted a report dated 13.03.2015 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 Judicial Magistrate, 1st Class, Moga, 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 441, 427, 447, 506 and 148, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Moga 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.125, dated 01.08.2009, under Sections 441, 427, 447, 506 and 148, IPC registered against the petitioners at Police Station, Dharamkot, District Moga (Annexure P/1) along with

consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

21.04.2015
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