

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-17946 of 2014

Decided on : 27.04.2015

Kewal Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ghulam Nabi Malik, Advocate
for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
None for respondents No.2 and 3.

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.38, dated 29.04.2014 under Sections 452, 323, 341, 427, 506 and 34, IPC registered against the petitioners at Police Station Sandaur, District Sangrur (Annexure P-1) on the basis of compromise dated 13.05.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 8.01.2015, this Court has passed the following order:-

“It is stated that parties have entered into a compromise. The allegations are of trespassing and causing simple injuries. Parties belongs to the same family.

In these circumstances, both the parties are directed to appear before the Illaqa Magistrate, Malerkotla, Police Station Sandaur, District Sangrur. Learned Illaqa Magistrate shall record the statements of the parties and submit his report to

this Court whether the parties have entered into a compromise and whether the same is genuine and without any pressure.

Report be awaited for 26.02.2015.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Malerkotla (Sangrur), has submitted a report dated 21.03.2015 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, Malerkotla (Sangrur), 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 452, 323, 341, 427, 506 and 34, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Malerkotla (Sangrur) 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.38, dated 29.04.2014 under Sections 452, 323, 341, 427, 506 and 34, IPC registered against the petitioners at Police Station Sandaur, District Sangrur (Annexure P-1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

27.04.2015
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