

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

CRM-M-No. 18349 of 2014

Date of decision: 06.05.2015

Saleem @ Mohammd Salim

-----Petitioner (s)

V/s

State of Punjab and another

-----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. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Rohit Sharma, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.66, dated 14.05.2013, for offence under Sections 363 and 366-A IPC, registered at Police Station, City Malerkotla, District-Sangrur(Annexure P-1), on the basis of compromise dated 21.12.2013 as Annexure P-3 (though no date has been referred in the compromise and the same has been shown in the index).

On 24.03.2015, this Court has passed the following order:-

"Learned counsel for respondent No.3 has filed an affidavit of respondent No.3 endorsing the amicable settlement between the parties.

Prayer in this petition is for quashing FIR No.66, dated 14.5.2013, under Section 363 and 366-A IPC, registered at Police Station City Malerkotla, Distt.

Sangrur, on the basis of compromise (Annexure P-3) stated to be entered on 21.12.2013(though no date has been referred in the compromise). Vide separate order, the prosecutrix namely Sonia, wife of Saleem @ Mohammad Saleem has been impleaded as respondent No.3 in this case.

Learned counsel for the parties state that they have entered into a compromise without any pressure. Accordingly, the parties are directed to appear before the Illaqa Magistrate for recording their respective statements with regard to compromise/settlement on 6.04.2015.

The Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.

In view of the compromise entered between the parties, on appearance of the petitioner before the Illaqa Magistrate/Trial Court, he would be admitted to bail, subject to satisfaction of the learned Illaqa Magistrate/Duty Magistrate.

Adjourned to 6.5.2015 "

In compliance of the above order passed by this Court, the learned Addl. Civil Judge (Sr. Divn.)-cum-Sub Divn. Judicial Magistrate, Malerkotla, has submitted a report, vide which it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them as genuine, voluntary and without any coercion or undue influence.

Learned State counsel has also admitted the factum of compromise effected between the parties and he has no objection if the impugned FIR is quashed.

Heard.

However, the learned Addl. Civil Judge (Sr. Divin.)-cum-Sub Divn. Judicial Magistrate, Malerkotla, 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 petitioner is 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.66, dated 14.05.2013, for offence under Sections 363 and 366-A IPC, registered at Police Station, City Malerkotla, District-Sangrur(Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

May 06, 2015
Anjal

(HARI PAL VERMA)
JUDGE