

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-1861 of 2015

Decided on : 28.04.2015

Jag Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.APS Sarwaan, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.

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.183, dated 13.11.2014, under Section 306, IPC, registered against the petitioners at Police Station Ghall Khurd, District Ferozepur (Annexure P/1) on the basis of compromise dated 3.1.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On January 19, 2015, this Court has passed the following order:-

“Notice of motion for 09.04.2015.

In the meantime, parties are directed to appear before the Area Magistrate and the Area Magistrate, after recording statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Ferozepur has submitted a report dated 24.03.2015, 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, Ferozepur, 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 Section 306, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Ferozepur 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.183, dated 13.11.2014, under Section 306, IPC, registered against the petitioners at Police Station Ghall Khurd, District Ferozepur (Annexure P/1) along with consequential proceedings

arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
sd