

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-No. 25405 of 2009(O&M)
Date of Decision:-09.03.2015

Rajesh Kumar and others ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Rajwinder Kaur, Advocate for the petitioners.
Mr. Sultan Singh, Deputy Advocate General, Punjab.
Mr. Gautam Dutt, Advocate for respondent No.2.

HARI PAL VERMA J.(Oral)

As per order dated, 04.12.2014 passed by this Court, the trial Court was directed to record the statements of both the parties to his satisfaction to know the genuineness of the compromise. The trial Court was also directed to send a report along with statements of the parties with regard to the validity of the compromise effected between the parties.

Pursuant to the aforesaid order, the statements of the parties were recorded on 19.01.2015 before the learned Chief Judicial Magistrate, Barnala and the factum of compromise has been endorsed. The learned Chief Judicial Magistrate has reported as under:-

"This court, after hearing the parties in persons alongwith their counsel and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion. The statements recorded by the parties are enclosed herewith."

Learned counsel for the respondents has also admitted the factum of compromise effected between the parties. In view of the statements suffered by the parties and report submitted by learned Chief Judicial Magistrate, Barnala, learned counsel for the respondents stated that the respondents have no objection if the FIR and the consequential proceedings arising therefrom are quashed on the basis of compromise.

I have heard counsel for the parties.

The petitioners have been booked for having committed offence punishable under Sections 420, 467, 468, 471 and 120-B IPC. They have amicably effected a compromise with respondent No.2. Learned Chief Judicial Magistrate has recorded the statements with regard to the compromise and has submitted his report to this Court to the effect that the compromise has been effected between the parties without any pressure or coercion. Therefore, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others Vs. State of Punjab and another 2007(3) R.C.R. (criminal) 1052 (P&H)**, this petition is accepted and FIR No. 180, dated 04.08.2009 under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station, City, Barnala and the consequential proceedings arising therefrom are hereby quashed.

(HARI PAL VERMA)
JUDGE

09.03.2015
Anjal