

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-2130 of 2014

Decided on : 27.04.2015

Gurjit Singh @ Dulla and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Vivek Rattan, Advocate for
Mr.JBS Gill, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Ms.Amandeep Kaur, Advocate for respondents No.2 to 5.

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.110, dated 10.11.2011, under Sections 323, 324, 326, 341, 427, 506, 379, 148 and 149 IPC, registered against the petitioners at Police Station, Mahilpur, District Hoshiarpur (Annexure P/1) on the basis of compromise by reflecting affidavits Annexures P/2 and P/3 of respondents No.2 and 3 alongwith consequential proceedings arising therefrom.

On 21.01.2014, this Court has passed the following order:-

“Notice of motion for 22.04.2014.

The parties are directed to appear before the trial Court on 22.02.2014. The trial Court will record their statements and send the same to this Court with the report about the genuineness and voluntary nature of the compromise (Annexures P/3 & P/4) before the next date of hearing.

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Hoshiarpur, has submitted a report dated 07.01.2015 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, Hoshiarpur, 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 323, 324, 326, 341, 427, 506, 379, 148 and 149 IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Hoshiarpur 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.110, dated 10.11.2011, under Sections 323, 324, 326, 341, 427, 506, 379, 148 and 149 IPC, registered against the

petitioners at Police Station, Mahilpur, District Hoshiarpur (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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