

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-21692 of 2015

Decided on : 29.07.2015

Jagpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Vivek Goel, Advocate for the petitioner.
Mr.P.S.Madahar, 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 this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 42, dated 02.04.2014 (Annexure P-1) for offence under Sections 498-A, 406, 323 and 34 IPC, registered at Police Station Moga City, District Moga, on the basis of compromise dated 21.04.2015(Annexure P-2) entered between the parties before the Mediation and Conciliation Centre of this Court.

On July 08, 2015, this Court has passed the following order:-

“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 42, dated 02.04.2014 (Annexure P-1) for offence under Sections 498-A, 406, 323 and 34 IPC, registered at Police Station Moga City, District Moga, on the basis of compromise dated 21.04.2015(Annexure P-2) entered between the parties before the Mediation and Conciliation Centre of this Court.

Learned counsel for the petitioner submit that pursuant to the aforesaid settlement agreement dated 21.04.2015, the parties are staying together as husband and wife.

Notice of motion for 29.07.2015.

Accordingly, the parties are directed to appear

before the Illaqa Magistrate for recording their respective statements with regard to compromise/settlement on 15.07.2015.

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.
- Meanwhile, since the parties have entered into a compromise, the presentation of challan is stayed.”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Moga, has submitted a report dated 17.7.2015 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 and they are living as husband and wife. The complainant has stated that she has no objection if the FIR is quashed.

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 Chief Judicial Magistrate, Moga, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioner has been booked for having committed the offence punishable under Sections 498-A, 406, 323 and 34 IPC. He has now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Moga 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. 42, dated 02.04.2014 (Annexure P-1) for offence under Sections 498-A, 406, 323 and 34 IPC, registered at Police Station Moga City, District Moga, on the basis of compromise dated 21.04.2015(Annexure P-2) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

29.07.2015
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