

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-23066-2014

Decided on : 25.03.2015

Teg Ali and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Liaqat Ali, Advocate for the petitioners.
Mr.Gurinderjit Singh, DAG, Punjab.
Mr.B.S.Banga, Advocate for
Mr.Sandeep Kotla, Advocate for the respondent.

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.81, dated 10.09.2013 under Sections 363, 366-A, 120-B, IPC registered against the petitioners at Police Station, Shahpur Kandi, District Gurdaspur (Annexure P/1) on the basis of compromise dated 19.05.2014 alongwith consequential proceedings arising therefrom.

On 16.12.2014, this Court has passed the following order:-

“Mr.Sandeep Kumar Bansal, AAG, Punjab has put in appearance on behalf of respondent No.1. Mr.Sandeep Kotla, Advocate has put in appearance on behalf of respondents No.2 & 3.

Counsel for respondents No.2 & 3 has conceded that dispute between the parties has been settled by way of compromise and respondent No.3 is residing with her husband Teg Ali petitioner No.1.

Parties are directed to appear before the Illaqa Magistrate / trial Court for recording their statements with regard to compromise/settlement on 13.01.2015.

The Illaqa Magistrate / trial Court is directed to

submit a report on or before the next date of hearing containing the following information:-

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

Adjourned to 20.03.2015 for awaiting report.”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Pathankot, has submitted a report dated 27.01.2015, 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 Chief Judicial Magistrate, Pathankot, learned State counsel has 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 363, 366-A, 120-B IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Jalandhar 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.81, dated 10.09.2013 under Sections 363, 366-A, 120-B, IPC registered against the petitioners at Police Station, Shahpur Kandi, District Gurdaspur (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

25.03.2015
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