

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-26210 of 2015

Date of decision: 26.08.2015

Ballu

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- Mr. Chetan Bansal, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of FIR No.149 dated 15.12.2014, under Sections 324, 323 IPC, registered at Police Station Maqboolpura, Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.3.2015 (Annexure P-2).

This Court vide order dated 07.08.2015, has passed the following order:-

“Prayer in this petition is for quashing of FIR No.149 dated 15.12.2014, under Sections 324, 323 IPC, registered at Police Station Maqboolpura, Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.3.2015 (Annexure P-2).

Notice of motion for 26.8.2015.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective

statements with regard to compromise/settlement on 11.8.2015. The Illaqa Magistrate/trial Court 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; and,
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

Pursuant to the aforesaid order 07.08.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar, and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Amritsar, has submitted his report dated 11.08.2015 to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Accordingly, the statement of complainant/respondent No.2, namely, Sonu, son of Late Daulat Ram R/o H.No. 4/103 Gali No.2 Krishna Nagar, Jaura Phatak, Amritsar, made before the Judicial Magistrate Ist Class, Amritsar, reads as under:- (On S.A.)

“An FIR no149/15/12/2014 under section 307/324/323 of IPC, PS Maqboolpura, Amritsar has been got registered by me against Ballu. Now a compromise has been entered into between me and the accused with the intervention of respectables of the society. The accused Ballu is my first cousin i.e., my mother's sister's son and to maintain good relation among the family members the compromise has been entered into. On the basis of the same accused Ballu has filed a petition CRM-M 26210 of 2015 before Hon'ble High Court for quashing the aforementioned FIR. The compromise is genuine and voluntary. No pressure has been asserted by anyone on me in this regard. I

have no objection the said FIR no.149/15.12.2014 is quashed.

RO & AC

Sd/-

(Gurpreet Kaur)
JMIC/ASR/11.08.2015”

Learned counsel for the petitioner, in support of his contention has relied upon a judgment of Hon'ble Apex Court in **Yogendra Yadav and others Vs. State of Jharkhand and another, 2014 (9) SCC 653.**

Learned State counsel has also admitted the factum of compromise.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioner.

Considering the fact that trial at the initial stage and following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303** and Judgment of **Hon'ble Apex Court in Yogendra Yadav and others Vs. State of Jharkhand and another, 2014 (9) SCC 653**, this petition is allowed and FIR No. 149 dated 15.12.2014, under Sections 324, 323 IPC, registered at Police Station Maqboolpura, Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.3.2015 (Annexure P-2), are hereby quashed.

August 26, 2015
Anjal

(HARI PAL VERMA)
JUDGE