

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-30606 of 2014
Decided on : 19.03.2015

Gurnam Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Gurinder Singh Salana, Advocate for
Mr.F.S.Virk, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.Tapish Gupta, Advocate for
Mr.Sandeep Chopra, Advocate for respondents No.2 to 4.

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.346, dated 30.07.2008, under Sections 452, 323, 506, 34, 458, 509 and 201, IPC, registered against the petitioners at Police Station, Sadar Patiala, District Patiala, (Annexure P/3) on the basis of compromise dated 13.08.2014 (Annexure P/5), alongwith consequential proceedings arising therefrom.

On 30.10.2014, this Court has passed the following order:-

“Service is complete.

Learned counsel for the parties have stated at the bar that the parties could not appear before the trial court on the date fixed and one more opportunity be granted to them.

In these circumstances, the parties are again directed to appear before the trial court/Illaqua Magistrate on 10.11.2014 and the trial court/Illaqua Magistrate shall record

the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not ?

Report of the trial court/Illaqua Magistrate in this regard be called for 23.12.2014.”

In compliance of the above order passed by this Court, the Additional Chief Judicial Magistrate, Patiala, has submitted a report dated 10.11.2014, 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. Since the Kashmeer Singh, complainant has died during the proceedings, statements of his legal heirs i.e. respondents No.2 to 4 were recorded. In their statements, they had stated that they have no objection if the FIR in question 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 Additional Chief Judicial Magistrate, Patiala, 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 452, 323, 506, 34, 458, 509 and 201, IPC. They have now amicably effected the compromise with the complainant. The learned Additional Chief Judicial Magistrate, Patiala 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.346, dated 30.07.2008, under Sections 452, 323, 506, 34, 458, 509 and 201, IPC, registered against the petitioners at Police Station, Sadar Patiala, District Patiala along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

19.03.2015
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