

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-3220 of 2015

Decided on : 17.03.2015

Gafoor Pehalwan @ Abdul Gafoor and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : None for the petitioners.
Mr.R.S.Nain, 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 the present petition is for quashing of FIR No.29, dated 27.02.2010 under Sections 452, 323, 427 and 34, IPC registered against the petitioners at Police Station, City Malerkotla, District Sangrur (Annexure P/1) on the basis of compromise dated 01.12.2014 (Annexure P/2) effected between the parties, alongwith consequential proceedings arising therefrom.

On 30.01.2015, this Court has passed the following order:-

“It is contended that the allegations are of criminal trespass and causing simple injuries. Now, the parties have effected a compromise. The challan has been stated to be presented in the Court of the learned Illaqa Magistrate, Sangrur.

Notice of motion for 17.3.2015. In the meanwhile, the parties are directed to put in appearance before the learned Illaqa Magistrate, Sangrur, who shall record the statements of the parties and report back to this Court whether the parties have entered into a compromise and if so, whether the same is genuine and without any pressure? Report

of the learned Illaqa Magistrate, Sangrur, be awaited for the date fixed.”

In compliance of the above order passed by this Court, the Additional Civil Judge (Sr.Divn.)-cum Sub Divn.Judicial Magistrate, Malerkotla, has submitted a report dated 19.02.2015, 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 Additional Civil Judge (Sr.Divn.)-cum Sub Divn.Judicial Magistrate, Malerkotla, 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, 427 and 34, IPC. They have now amicably effected the compromise with the complainant. The learned Additional Civil Judge (Sr.Divn.)-cum Sub Divn.Judicial Magistrate, Malerkotla 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.29, dated 27.02.2010 under Sections 452, 323, 427 and 34, IPC registered against the petitioners at Police Station, City Malerkotla, District Sangrur along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

17.03.2015
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