

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

239

CRM-M-33040-2014

Decided on : 24.03.2015

Parminder Pal Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.K.S.Sodhi, Advocate
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.12, dated 22.01.2012 under Sections 452, 506, 148 and 149, IPC registered against the petitioners at Police Station, Goindwal Sahib District Tarn Taran (Annexure P/1), on the basis of compromise dated 19.09.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 21.11.2014, this Court has passed the following order:-

“Since it is a petition for quashing of FIR on the basis of compromise, let the statements of the parties be recorded. Parties are directed to be present before the trial Court on 04.12.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is directed to send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. The

trial Court is also directed to intimate with regard to pendency of any P.O proceedings against the parties.
Adjourned to 24.03.2015..”

In compliance of the above order passed by this Court, Sub Divisional Judicial Magistrate, Khadur Sahib, has submitted a report dated 6.12.2014 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.

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 Sub Divisional Judicial Magistrate, Khadur Sahib, 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, 506, 148 and 149. They have now amicably effected the compromise with the complainant. The learned Sub Divisional Judicial Magistrate, Khadur Sahib 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.12, dated 22.01.2012 under Sections 452, 506,

148 and 149, IPC registered against the petitioners at Police Station, Goindwal Sahib District Tarn Taran along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

24.03.2015
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