

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-36112 of 2013

Decided on : 26.05.2015

Joginder Pal @ Jonny

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : None for the petitioner.
Mr.Sultan Singh Gill, DAG, 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.76, dated 06.08.2010, under Sections 420, 467, 468, 470, 454, 380 and 120-B, IPC, registered against the petitioner at Police Station 'E' Division, District Amritsar City (Annexure P/1) on the basis of compromise dated 25.03.2013 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 9.7.2014, this Court has passed the following order:-

“Learned counsel for the petitioner states that earlier there was no direction by the Court to the parties to appear before the Court below for getting recorded their statements. Learned counsel for the parties have stated that a compromise has been effected between the parties.

The parties are directed to appear before Chief Judicial Magistrate, Amritsar on 25.07.2014 and to get recorded their statements regarding compromise and after recording their statements, Chief Judicial Magistrate, Amritsar is directed to send the report regarding the genuineness of

compromise.

Adjourned to 12.08.2014.

A copy of this order be sent to Chief Judicial Magistrate, Amritsar, for compliance.”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Amritsar, has submitted a report dated 5.8.2014 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 Chief Judicial Magistrate, Amritsar, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioner has been booked for having committed the offence punishable under Sections 420, 467, 468, 470, 454, 380 and 120-B, IPC. He has now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Amritsar 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.76, dated 06.08.2010, under Sections 420, 467, 468, 470, 454, 380 and 120-B, IPC, registered against the petitioner at Police Station 'E' Division, District Amritsar City (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

26.05.2015
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