

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-33905 of 2014

Decided on : 19.03.2015

Rattan Singh Garg and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Naresh Jain, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.GPS Sidhu, Advocate for respondent No.2.

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.186, dated 26.05.2005, under Sections 467, 468 and 471 IPC, registered against the petitioners at Police Station, Giddarbaha, (Annexure P/1) on the basis of compromise dated 24.09.2014 (Annexure P/3), alongwith consequential proceedings arising therefrom.

On 01.10.2014, this Court has passed the following order:-

“Notice of motion for 04.11.2014.

In the meanwhile, the parties to record their statements before the trial Court on 27.10.2014 with regard to compromise. The trial Court is directed to record the statements of both the parties to his satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also 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 other criminal proceedings are pending against either of the parties or not before the next date of hearing.

Adjourned to 04.11.2014 for awaiting the report of the trial Court.”

In compliance of the above order passed by this Court, the Sub Divisional Judicial Magistrate, Gidderbaha, has submitted a report dated 27.10.2014, 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, Gidderbaha, learned State counsel 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 467, 468 and 471 IPC. They have now amicably effected the compromise with the complainant. The learned Sub Divisional Judicial Magistrate, Gidderbaha 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.186, dated 26.05.2005, under Sections 467, 468 and 471 IPC, registered against the petitioners at Police Station, Giddarbaha along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

19.03.2015
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