

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-34833 of 2014

Decided on : 19.03.2015

Jaswinder Singh @ Amarjit Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.R.S.Sekhon, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.Amandeep Saini 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.264, dated 27.08.2014, under Sections 376, 366 and 120-B, IPC, registered against the petitioners at Police Station, Sadar Ferozepur, District Ferozepur, (Annexure P/1) on the basis of compromise dated 29.09.2014, alongwith consequential proceedings arising therefrom.

On 09.10.2014, this Court has passed the following order:-

“Learned counsel for the petitioners submits that petitioner No.1 got married with respondent and no offence is made out under Sections 376, 366 and 120-B IPC. Petitioner No.1 and respondent No.2 are residing together after their marriage and are happy in their matrimonial life. Both petitioner No.1 and respondent No.2 are present in the Court. Respondent No.2 has been identified by Mr. Arjinder Singh Sidhu, Advocate appearing for respondent No.2.

Notice of motion.

On the asking of the Court, notice on behalf of the State has been accepted by Ms. Ritu Punj, Addl. AG, Punjab.

Copies of the petition be supplied to learned State counsel as well as counsel for respondent No.2

during the course of the day.

Since it is a petition for quashing of FIR on the basis of compromise, let the statements of the parties be recorded before the Illaqa Magistrate. Parties are directed to be present before the Illaqa Magistrate on 31.10.2014 or any other date convenient to the Court for recording their statements with regard to compromise. The Illaqa Magistrate 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 Illaqa Magistrate 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 Illaqa Magistrate is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

Adjourned to 22.12.2014.

Meanwhile, presentation of challan is stayed.”

In compliance of the above order passed by this Court, the Addl.Chief Judicial Magistrate, Ferozepur, has submitted a report dated 11.11.2014, 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.

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 Addl.Chief Judicial Magistrate, Ferozepur, 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 376, 366 and 120-B, IPC. They have now amicably effected the compromise with the complainant.

The learned Addl.Chief Judicial Magistrate, Ferozepur has recorded the

statements of the parties with regard to compromise and the report has also been received in this regard. Though in the present petition, offence under Section 376, IPC is also referred to, but considering the fact that the petitioner, Jaswinder Singh @ Amarjit Singh has already married with the complainant and they are living together happily, nothing remains to be required to adjudicate in the matter. 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.264, dated 27.08.2014, under Sections 376, 366 and 120-B, IPC, registered against the petitioners at Police Station, Sadar Ferozepur, District Ferozepur along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

19.03.2015
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