

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-No. 3478 of 2015
Date of decision: 04.05.2015

Shivdeep Singh and others

-----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- None for the petitioners.

Mr. R.S. Nain, AAG, Haryana.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Office report indicates that respondents have been served, but no one has put in appearance on behalf of respondent No.2.

Prayer in the present petition is for quashing of FIR No.24, dated 15.03.2010, for offence under Sections 406 and 498-A of Indian Penal Code, registered at Police Station, Kotakpura Sadar, District-Faridkot and all consequential proceedings arising therefrom, on the basis of the compromise dated 08.01.2015 (Annexure P-2).

On 02.02.2015, this Court has passed the following order:-

"Quashing of FIR, on the basis of compromise, has been prayed for.

Notice of motion to the respondents for 4.5.2015.

Meanwhile, the parties are directed to appear

before the trial Court on 9.2.2015. The trial Court shall record the statements of the parties on said date or on any other date convenient to the Court and send a report to this Court regarding its satisfaction that the matter has been compromised without any threat, coercion and undue influence.”

In compliance of the above order passed by this Court, the learned Judicial Magistrate, 1st Class, Faridkot, has submitted a report dated 03.03.2015, vide which it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them as genuine, voluntary and without any coercion or undue influence.

Learned State counsel has also admitted the factum of compromise effected between the parties and he has no objection if the impugned FIR is quashed.

Heard.

The petitioners have been booked for having committed the offence punishable under Sections 406 and 498-A of Indian Penal Code. They have now amicably effected a compromise with the complainant. The learned Judicial Magistrate, 1st Class, Faridkot, has recorded the statements of the parties with regard to compromise and 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 of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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. FIR No.24, dated 15.03.2010, for offence under Sections 406 and 498-A of Indian Penal Code,

registered at Police Station, Kotakpura Sadar, District-Faridkot, and all consequential proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

May 04, 2015
Anjal

(HARI PAL VERMA)
JUDGE