

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

241

CRM-M-35163 of 2014

Decided on :21.04.2015

Nirdosh Anand and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Raj Kumar Sharma, Advocate
for the petitioners.
Mr.Anmol Malik, AAG, Haryana.
Mr.Vinod Kumar, 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.509, dated 30.09.2012, under Sections 498-A, 406 and 34, IPC, registered against the petitioners at Police Station, Civil Lines, District Gurgaon, Haryana on the basis of compromise (Annexure P/2) and an affidavit dated 12.09.2014 (Annexure P/5), alongwith consequential proceedings arising therefrom.

On 11.12.2014, this Court has passed the following order:-

“Learned counsel for the parties submit that the matter is likely to be compromised.

The parties are directed to appear before the trial Court on 30.1.2015 for recording their statements regarding the genuineness of the compromise and the trial Court is directed to send its report to this Court on or before the next date of hearing.

Adjourned to 3.3.2015”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Gurgaon, has submitted a report dated 27.02.2015 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 Judicial Magistrate, 1st Class, Gurgaon, 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 498-A, 406 and 34, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Gurgaon 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.509, dated 30.09.2012, under Sections 498-A, 406 and 34, IPC, registered against the petitioners at Police Station, Civil Lines, District Gurgaon, Haryana along with consequential

proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

21.04.2015
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