

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-38276 of 2014

Decided on : 12.05.2015

Amarjit Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.L.S.Sekhon, Advocate for
Mr. R.M.Sharma, Advocate for the petitioner.
Mr.Sultan Singh Gill, DAG, Punjab.
Mr.Hitesh Sood, 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.292, dated 28.06.2009, under Sections 420, 465, 467, 468 and 471 IPC, registered against the petitioner at Police Station, Kotwali, Patiala District Patiala (Annexure P/1) on the basis of compromise dated 07.01.2012 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 20.02.2015, this Court has passed the following order:-

“Since this petition has been filed by the petitioner for quashing of FIR on the basis of compromise, parties are directed to be present before the trial Court on 02.03.2015 or any other date convenient to him for recording their statements with regard to compromise. The trial Court 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 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 case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

Adjourned to 12.05.2015..”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Patiala, has submitted a report dated 05.03.2015 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 Chief Judicial Magistrate, Patiala, 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, 465, 467, 468 and 471 IPC. They have now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Patiala 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.292, dated 28.06.2009, under Sections 420, 465, 467, 468 and 471 IPC, registered against the petitioner at Police Station, Kotwali, Patiala(Annexure P/1) along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.25,000/- to be deposited with the Punjab State Legal Services Authority, Chandigarh, receipt of which shall be submitted in the registry of this Court within one month from today and the registry shall tag the same with the case file.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

12.05.2015
sd