

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-41325-2013

Decided on : 26.03.2015

Satinderjit Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Amit Dhadwan, Advocate for the petitioners.
Mr.Sultan Singh Gill, DAG, Punjab.
Ms.Amandeep Soni, 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.84, dated 19.04.2011, under Sections 419, 420, 465, 467, 468, 471 and 120-B, IPC registered against the petitioners at Police Station, Navi Baradari, Jalandhar (Annexure P/1) on the basis of compromise dated 11.04.2013 alongwith consequential proceedings arising therefrom.

On 03.11.2014, this Court has passed the following order:-

“The complainant-respondent No.2 present in the Court in person.The learned counsel for respondent No.2 informed that the complainant-respondent No.2 residing abroad in United States is self-employed and has come only to assist the petitioners in the present petition. Respondent No.2 admits the factum of compromise. The complainant-respondent No.2 is a daily wager and he is to go back on 06.11.2014. In case, he does not go back and joined his duties, then he will suffer irreparable loss and damage to his employment.

In these circumstances, the parties shall appear before the trial Court on 05.11.2014, to get their

statements recorded regarding the veracity of the compromise.

The learned trial Court, after recording the statements, will send a report regarding the genuineness of the compromise being arrived at between the parties, along with the statements, to the Registrar Judicial of this Court, thereafter. The Court shall also report as to whether the present petition has been filed on behalf of all the accused and whether any of the accused has been declared proclaimed offender in the present FIR? A copy of the report be also sent through FAX.

List again on 05.12.2014.

A copy of this order be given to the learned counsel for the parties under the signature of Court Secretary attached to this Bench.

On 03.11.2014, this Court has passed the following order:-

The learned counsel contends that inadvertently, order dated 03.11.2014, could not be communicated and the parties could not appear before the Court to get their statements recorded with regard to the veracity of the compromise.

In the circumstances, the parties shall now appear before the trial court on 25.02.2015, to get their statements recorded in terms of order dated 03.11.2014.

List again on 26-3-2015.”

In compliance of the above orders passed by this Court, the Civil Judge (Jr.Divn.)-cum Judicial Magistrate 1st Class, Jalandhar, 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 Civil Judge (Jr.Divn.)-cum Judicial Magistrate 1st Class, Jalandhar, learned State counsel has

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 419, 420, 465, 467, 468, 471 and 120-B, IPC. They have now amicably effected the compromise with the complainant. The learned Civil Judge (Jr.Divn.)-cum Judicial Magistrate 1st Class, Jalandhar 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.84, dated 19.04.2011, under Sections 419, 420, 465, 467, 468, 471 and 120-B, IPC registered against the petitioners at Police Station, Navi Baradari, Jalandhar (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

26.03.2015
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