

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-3917 of 2015

Decided on : 06.04.2015

Major Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Karan Bhardwaj, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.

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.164, dated 28.10.2014, under Sections 420, 120-B, registered against the petitioners at Police Station, Moga Sadar, District Moga (Annexure P/1) on the basis of compromise (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 06.02.2015, this Court has passed the following order:-

“The learned counsel refers to Annexure P-2, the compromise reached between the parties. He further states that half of the amount already stands paid to the complainant.

Notice of motion for 06.04.2015.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab, accepts notice. A complete copy of the paper book has been handed over to the learned State counsel, in the Court.

The parties shall appear before the learned Illaqa Magistrate/Chief Judicial Magistrate, on 11.03.2015, to get their statements recorded regarding the veracity of the compromise.

The learned 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, within a week 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.”

In compliance of the above order passed by this Court, the Addl.Chief Judicial Magistrate, Moga, has submitted a report dated 16.03.2015, 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 Addl.Chief Judicial Magistrate, Moga, 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 420, 120-B. They have now amicably effected the compromise with the complainant. The learned Addl.Chief Judicial Magistrate, Moga 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.164, dated 28.10.2014, under Sections 420, 120-B, registered against the petitioners at Police Station, Moga Sadar, District Moga (Annexure P/1) on the basis of compromise (Annexure P/2) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

06.04.2015
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