

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-39347 of 2014

Decided on : 06.04.2015

Chiman Lal and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Rajbir Singh, Advocate for the petitioners.

Mr.R.S.Nain,AAG, Punjab.

Mr.Munish K.Garg, Advocate for
Mr.Kulwinder Singh, 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.122, dated 24.12.2010, under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered against the petitioners at Police Station, City Budhlada, District Mansa, on the basis of compromise dated 03.11.2014 (Annexure P-2) alongwith consequential proceedings arising therefrom.

On 12.01.2015, this Court has passed the following order:-

“The learned counsel for the petitioners states that inadvertently, order dated 18.11.2014, could not be communicated to the parties.

In the circumstances, the parties are again directed to appear before the trial Court on 12.02.2015, and get their statements recorded in terms of order dated 18.11.2014.

List again on 12.03.2015..”

In compliance of the above order passed by this Court, the Sub Divisional Judicial Magistrate, Budhlada, has submitted a report dated 12.02.2015 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 Sub Divisional Judicial Magistrate, Budhlada, 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, 467, 468 and 471 of the Indian Penal Code. They have now amicably effected the compromise with the complainant. The learned Sub Divisional Judicial Magistrate, Budhlada 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.122, dated 24.12.2010, under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered against the petitioners at Police Station, City Budhlada, District Mansa, on the basis of compromise dated 03.11.2014 (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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