

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-39947 of 2014

Decided on : 06.04.2015

Pushpinder Pal Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.R.K.Sharma, Advocate for the petitioners.

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

Ms.Divya Godara, 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.451, dated 02.09.2010, under Sections 406, 420, 498-A, and 506 of the Indian Penal Code, registered against the petitioners at Police Station, Sadar, Patiala on the basis of compromise dated 04.06.2014 (Annexure P-2) alongwith consequential proceedings arising therefrom.

On 19.02.2015, this Court has passed the following order:-

“Report received from learned Additional Chief Judicial Magistrate, Patiala, dated 08.12.2014, reveals that respondent No.2-informant Rajwinder Kaur did not appear before the said Court.

Learned counsel for respondent No.2-informant, submits that she had no information with regard to her appearance before

Additional Chief Judicial Magistrate, Patiala, on 08.12.2014, but now Rajwinder Kaur would appear before the learned Court below on the date to be fixed by this Court.

Learned counsel for the petitioner as well as counsel for the State has no objection to the above prayer.

Adjourned to 06.04.2015.

In view of the above, the affected parties including respondent No.2-informant Rajwinder Kaur are directed to appear before learned Additional Chief Judicial Magistrate, Patiala, on 03.03.2015 for getting their respective statements recorded with regard to compromise and submit his/her detailed report in that regard along with copies of the statements to this Court on or before the adjourned date..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Patiala, has submitted a report dated 13.03.2015 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.

During the course of hearing, learned counsel for the petitioners has paid the remaining amount i.e. Rs.15,000/- to the learned counsel for respondent No.2 in the Court. Learned counsel for respondent No.2 states that nothing survives in the petition and she admits the factum of compromise effected between the parties.

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, Patiala, 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 406, 420, 498-A, and 506 of the Indian Penal Code. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, 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.451, dated 02.09.2010, under Sections 406, 420, 498-A, and 506 of the Indian Penal Code, registered against the petitioners at Police Station, Sadar, Patiala on the basis of compromise dated 04.06.2014 (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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