

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-40154 of 2014 (O&M)

Decided on : 27.05.2015

Berkeley Automobiles Ltd. and another

... Petitioners

Versus

U.T.Chandigarh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Sandeep Jasuja, Advocate
for the petitioners.
Mr.Amandeep Singh Gill, Public Prosecutor
for U.T. Chandigarh-respondent No.1.
Mr.Vivek Rattan, Advocate for respondent No.2.
None for respondent No.4.

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.81, dated 16.03.2014, under Sections 406, 420, 467, 468, 471, 506 and 120-B, IPC, registered against the petitioners at Police Station, Industrial Area, Phase I, Chandigarh (Annexure P/1) on the basis of compromise dated 25.8.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 25.11.2014, this Court has passed the following order:-

“Notice of motion for 2.2.2015.

This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the trial Court/Illaqa Magistrate on 8.12.2014 and the trial Court/Illaqa Magistrate shall record the statement of all the effected parties and shall report whether

any volunteer compromise has been arrived at between the parties or not.

Report of the trial Court/Illaq Magistrate in this regard be called for the date fixed.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Chandigarh, has submitted a report dated 20.1.2015 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 Judicial Magistrate, 1st Class, Chandigarh, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Factum of compromise is not disputed by learned counsel for respondent No.2 as well as State counsel.

Heard.

The petitioner No.1. has been booked for having committed the offence punishable under Sections 406, 420, 467, 468, 471, 506 and 120-B, IPC. He has now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Chandigarh 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.81, dated 16.03.2014, under Sections 406, 420, 467, 468, 471, 506 and 120-B, IPC, registered against the petitioners at Police Station, Industrial Area, Phase I, Chandigarh (Annexure P/1) along with consequential proceedings arising therefrom, are quashed qua petitioner No.1.

[Hari Pal Verma]
Judge

27.05.2015
sd