

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M- No. 4119 of 2015

Date of decision: 07.04.2015

Jajja and others

-----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner(s).

Mr. Sultan Singh, Deputy Advocate General, Punjab.

Mr. Deepak Kumar, Advocate for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.215, dated 28.10.2014, under Sections 452, 427, 506, 148, 149 of Indian Penal Code, registered at Police Station, Kambo, District-Amritsar(Annexure P-1), and all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 15.12.2014(Annexure P-2).

On 27.02.2015, this Court has passed the following order:-

"Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondents No.2 to 4 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned Illaqa Magistrate i.e. where the case is pending on 20.03.2015 and to get recorded their statements regarding compromise and after recording their statements, learned Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 07.04.2015.

A copy of this order be sent to learned Illaqa Magistrate, through fax, for compliance "

In compliance of the above order passed by this Court, the Judicial Magistrate, Ist Class, Amritsar, has submitted a report dated 31.03.2015, vide which, it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them without any pressure and coercion or undue influence.

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, Ist Class, Amritsar, 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 452, 427, 506, 148, 149 of Indian Penal Code. They have now amicably effected a compromise with the complainant. The learned Judicial Magistrate, Ist Class, Amritsar, has recorded the statements of the parties with regard to compromise and 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 of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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.215, dated 28.10.2014, under Sections 452, 427, 506, 148, 149 of Indian Penal Code, registered at Police Station, Kambo, District-Amritsar(Annexure P-1), and all subsequent proceedings arising out of the said FIR, are hereby quashed.

Petition is accordingly allowed.

April 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE