

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-41891 of 2014

Decided on : 29.04.2015

Dilbag Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Chanchal K.Singla, Advocate for the petitioners.
Mr.Gurinderjit Singh, DAG, Punjab.
None 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.52, dated 30.03.2011, under Sections 420, 120-B, IPC, registered against the petitioners at Police Station Division No.6, Industrial Area, District Ludhiana (Annexure P/1) on the basis of compromise dated 12.12.2011 (Annexure P/2) alongwith consequential proceedings arising therefrom.

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

“Since this petition has been filed by the petitioners for quashing of FIR on the basis of compromise, parties are directed to be present before the trial Court on 27.02.2015 or any other date convenient to him for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The trial Court is also directed to send a report along with statements of the parties with

regard to validity or otherwise of the compromise effected between the parties and also intimate whether any other case is pending against either of the parties or not before the next date of hearing. The trial Court is also directed to intimate with regard to pendency of any P.O. proceedings against the parties.

Adjourned to 24.04.2015.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Ludhiana, has submitted a report dated 04.03.2015 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 Judicial Magistrate, 1st Class, Ludhiana, 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, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Ludhiana 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.52, dated 30.03.2011, under Sections 420, 120-B, IPC, registered against the petitioners at Police Station Division No.6, Industrial Area, District Ludhiana (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

29.04.2015
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