

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M- 4252 of 2015
Decided on : 06.04.2015

Rajinder Kumar and others

... Petitioners

Versus

State of U.T. and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : None for the petitioner.
Mr.Rajiv Sharma, Advocate for U.T.Chandigarh.

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.214, dated 23.06.2012, under Sections 147, 148, 149, 323, 427, 452 and 506, IPC, registered against the petitioners at Police Station, Manimajra, U.T., Chandigarh (Annexure P/1) on the basis of compromise dated 29.05.2014 (Annexure P/3) alongwith consequential proceedings arising therefrom.

On 09.02.2015, this Court has passed the following order:-

“It is stated that parties have effected compromise.

Notice of motion for 6.4.2015.

Ms. Mansi Bansal, Advocate for Mr. Mukesh Bhatnagar, Advocate accepts notice on behalf of respondent No. 2.

In the meanwhile, parties are directed to appear before the Court of Ms. Ashish Thathai,

Judicial Magistrate 1st Class, U.T. Chandigarh. Learned Magistrate shall record the statements of the parties and submit her report to this Court whether the parties have entered into a compromise and whether the same is genuine and without any pressure.

Report be awaited 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 25.03.2015, 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, Chandigarh, 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 147, 148, 149, 323, 427, 452 and 506 IPC. They have 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.214, dated 23.06.2012, under Sections 147, 148, 149, 323, 427, 452 and 506, IPC, registered against the petitioners at Police Station, Manimajra, U.T., Chandigarh (Annexure P/1) on the basis of compromise dated 29.05.2014 (Annexure P/3) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

06.04.2015
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