

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M- 43176 of 2014

Decided on : 06.04.2015

Raj Kumar Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.A.K.Spehia, Advocate for the petitioner.
Mr.R.S.Nain, AAG, Punjab.

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.129, dated 11.08.2014, under Sections 406/420 IPC, registered against the petitioner at Police Station, Bhargo Camp, District Jalandhar (Annexure P/1) on the basis of compromise dated 28.11.2014 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 17.12.2014, this Court has passed the following order:-

“Notice of motion for 12.03.2015.

In the meantime, parties are directed to appear before the Area Magistrate and the Area Magistrate, after recording statements of the complainant/victims, shall send its report qua the genuineness of the compromise along with copies of the statements.”

In compliance of the above order passed by this Court, the Judicial Magistrate 1st Class, Jalandhar, has submitted a report dated 10.03.2015, 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, Jalandhar, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioner has been booked for having committed the offence punishable under Sections 406/420 IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate 1st Class, Jalandhar 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.129, dated 11.08.2014, under Sections 406/420 IPC, registered against the petitioner at Police Station, Bhargo Camp,

District Jalandhar (Annexure P/1) on the basis of compromise dated 28.11.2014 (Annexure P/2) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

06.04.2015
sd