

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-43591 of 2014

Decided on : 28.04.2015

Surender Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ajay Ghangas, Advocate
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

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.574, dated 10.11.2008 under Sections 498-A, 323 and 506, IPC, registered against the petitioner at Police Station Chandani Bhag, Panipat on the basis of compromise dated 21.11.2014 (Annexure P/1) alongwith consequential proceedings arising therefrom.

On 19.12.2014, this Court has passed the following order:-

“Notice of motion for 10.03.2015.

In the meantime, parties are directed to get their statements recorded before the trial court and the trial court is directed to send its report with regard to the validity or otherwise of the compromise after recording the statements of all the concerned parties before the next date of hearing.”

In compliance of the above order passed by this Court, the Chief Judicial Magistrate, Panipat, has submitted a report dated 27.01.2015 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 Chief Judicial Magistrate, Panipat, 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 498-A, 323 and 506, IPC. He has now amicably effected the compromise with the complainant. The learned Chief Judicial Magistrate, Panipat 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.574, dated 10.11.2008 under Sections 498-A, 323 and 506, IPC, registered against the petitioner at Police Station Chandani Bhag, Panipat along with consequential proceedings arising

therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
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