

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-4351 of 2015

Decided on : 24.04.2015

Amarjit Singh @ Mast

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.D.S.Malwai, 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 No11, dated 20.01.2015, under Sections 323, 326, 452, IPC, registered against the petitioner at Police Station, Sadar Dhuri, District Sangrur (Annexure P/1) on the basis of compromise dated 24.01.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

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

“Notice of motion for 24.04.2015.

This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the trial Court/Illaqu Magistrate on 24.02.2015 and the trial Court/ Illaqu Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not ?

Report of the trial Court/Illaqua Magistrate in this regard be called for the date fixed.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Dhuri, has submitted a report dated 02.03.2015 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, Dhuri, 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 323, 326, 452, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Dhuri 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 No11, dated 20.01.2015, under Sections 323, 326,

452, IPC, registered against the petitioner at Police Station, Sadar Dhuri, District Sangrur(Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

24.04.2015
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