

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-43883 of 2014 (O&M)

Decided on : 28.04.2015

Dharambir Tyagi

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Inder Pal Singh Doabia, 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.65, dated 20.03.2014, under Sections 420, 467, 468, 471, 506 and 120-B, IPC, registered at Police Station, Sector 31, Faridabad, District Faridabad (Annexure P/1) on the basis of compromise dated 08.12.2014 (Annexure P/2) qua petitioner only alongwith consequential proceedings arising therefrom.

On 26.02.2015, this Court has passed the following order:-

“Learned counsel for the petitioner while relying on judgment rendered by Hon'ble Supreme Court in ***Jairajsinh Digvijaysingh Rana Vs. State of Gujarat and another 2012 (4) RCR (criminal) 589*** submits that an FIR can be quashed qua one or some of the accused on the basis of settlement. Furthermore, in this case, the challan/report under Section 173 Cr.P.C. has also not been presented as yet as confirmed by learned counsel for the State on instructions from SI Kartar Singh.

Mr. Sanjeev Roy, Advocate puts in appearance on behalf of respondent No.2-Tapan Kumar Dass affirms and verifies the factum of the settlement between the parties. Affidavit dated 24.02.2015 in this respect has

been filed.

In view of the above mentioned facts, the parties are directed to appear before the learned Illaqua Magistrate on or before 11.03.2015. Their statements in respect to the compromise shall be recorded on the said date or any other date subject to the convenience of the learned trial Court. Report be submitted by the learned Illaqua Magistrate in regard to the genuineness of the compromise whether it has been entered into out of free will and violation of the parties, without any fear, apprehension, undue influence or coercion. It should also be informed whether the petitioner is a proclaimed offender. Any other case pending against the petitioner should also be noted.

Adjourned to 28.04.2015.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Faridabad, has submitted a report dated 05.03.2015 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 counsel for the petitioner relies upon the judgment of Hon'ble Supreme Court in Jairajsinh Digvijaysingh Rana Vs. State of Gujarat and another 2012 (4) RCR (Criminal) 589 in which it has been held that partial quashing is permissible qua one accused.

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, Faridabad, learned State counsel submits that he has no objection if the impugned FIR is quashed qua petitioner only.

Heard.

The petitioner has booked for having committed the offence punishable under Sections 420, 467, 468, 471, 506 and 120-B, IPC. They have now amicably effected the compromise with the

complainant. The learned Judicial Magistrate, 1st Class, Faridabad 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.65, dated 20.03.2014, under Sections 420, 467, 468, 471, 506 and 120-B, IPC, registered at Police Station, Sector 31, Faridabad, District Faridabad (Annexure P/1) along with consequential proceedings arising therefrom, are quashed qua petitioner only.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
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