

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-No. 44 of 2015

Date of decision: 07.05.2015

Ashwani Kumar and others

-----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- None for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.224, dated 05.09.2011, for offence under Sections 406, 498-A, 452, 427, 506, 323 and 34 IPC, registered at Police Station, Division No.5, Ludhiana(Annexure P-1), and all subsequent proceedings arisen thereafter, on the basis of the joint statement dated 23.07.2014 (Annexure P-2) of the parties made before the District Judge, Ludhiana.

On 06.01.2015, this Court has passed the following order:-

"Notice of motion for 03.03.2015.

This is a petition for quashing the FIR on the basis of compromise. The parties are directed to appear before the trial Court/Illaqia Magistrate on 21.01.2015 and the trial Court/ Illaqia 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 learned Addl. Chief Judicial Magistrate, Ludhiana, has forwarded a report, vide which it is mentioned that parties have appeared before him on 21.01.2015 and have given their statements in respect of compromise effected between them and the compromise is genuine, voluntary and without any coercion or undue influence. It is also reported that the complainant has no objection if the impugned FIR is quashed.

Learned State counsel has also admitted the factum of compromise effected between the parties and he has no objection if the impugned FIR is quashed.

Heard.

Addl. Chief Judicial Magistrate, Ludhiana, has recorded the statements of the parties with regard to compromise and 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 of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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.224, dated 05.09.2011, for offence under Sections 406, 498-A, 452, 427, 506, 323 and 34 IPC, registered at Police Station, Division No.5, Ludhiana(Annexure P-1),

and all subsequent proceedings arisen thereafter, are hereby quashed.

Petition is accordingly allowed.

May 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE