

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-4808 of 2015

Decided on : 27.05.2015

Anuj Yadav and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. J.S.Yadav, Advocate for the petitioners.
Mr.Manish Bansal, DAG, Haryana.
Mr.Gurmeet Singh, Advocate for respondent No.2.

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)

Through the present petition, the petitioners have prayed for quashing of FIR No. 262 dated 19.5.2014 for offence punishable under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code, registered at Police Station, Khaidki Daula, District Gurgaon on the basis of compromise dated 6.2.2015 (Annexure P-2).

On 13.02.2015, this Court has passed the following order:-

“Through the present petition, the petitioners have prayed for quashing of FIR No. 262 dated 19.5.2014 for offence punishable under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code, registered at Police Station, Khaidki Daula, District Gurgaon on the basis of compromise (Annexure P-1).

Notice of motion for 12.5.2015.

Parties are directed to appear before the trial Court/Illaq Magistrate on 10.3.2015 for recording their statements with regard to compromise/settlement.

The trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

- (1) number of persons arrayed as accused
- (2) whether any accused is P.O.
- (3) Whether the compromise is genuine, voluntary and without any coercion or undue influence.”

In compliance of the above order passed by this Court, the Judicial Magistrate 1st Class, Gurgaon, has submitted a report dated 13.3.2015 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, Gurgaon, 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, 452, 506 read with Section 34 of the Indian Penal Code. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate 1st Class, Gurgaon 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. 262 dated 19.5.2014 for offence punishable under Sections 323, 452, 506 read with Section 34 of the Indian Penal Code, registered at Police Station, Khaidki Daula, District Gurgaon along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

27.05.2015
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