

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-6776 of 2015

Decided on : 08.07.2015

Rajiv Kumar and another

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ritesh Parshad, Advocate for
Mr.Vikram Singh, Advocate for the petitioners.
Mr.Manish Bansal, 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. 157, dated 01.03.2011, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station, Civil Lines, Karnal, District Karnal (Annexure P-1) alongwith all subsequent proceedings arising out of the same on the basis of compromise dated 18.02.2015 (Annexure P-2).

On 21.05.2015, this Court has passed the following order:-

“As per office report dated 24.03.2015, notice issued to respondent No.2 has been received back unserved with the report that she has left the given address, as she was a tenant.

Learned counsel for the petitioner seeks more time to furnish fresh process fee and latest address of respondent No.2.

On furnishing fresh address and process fee, fresh notice be issued to respondent No.2 for 8.7.2015.

Since the quashing petition is based on compromise, parties are directed to appear before the trial court on 9.6.2015, to get their statements recorded and the trial court shall forward its report on or before the next date of hearing containing

the following information as well:-

- 1.Number of persons arrayed as accused in FIR.
- 2.Whether any accused is proclaimed offender.
- 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, Karnal, has submitted a report dated 10.6.2015 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, Karnal, 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, 406, 498-A, 506 IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Karnal 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. 157, dated 01.03.2011, under Sections 323, 406, 498-A, 506 IPC, registered at Police Station, Civil Lines, Karnal, District Karnal (Annexure P-1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

08.07.2015

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