

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-7370 of 2015

Decided on : 28.04.2015

Sucha Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Ashish Aggarwal, Advocate
for the petitioners.
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 No. 114, dated 11.10.2014 (Annexure P-1) against the petitioners for offence under Sections 326, 323, 324, 148 and 149, IPC, registered at Police Station Kathunangal, District Amritsar (Rural) (Annexure P/1) on the basis of compromise dated 22.01.2015 (Annexure P-2) alongwith consequential proceedings arising therefrom.

On 09.03.2015, this Court has passed the following order:-

“Through the present petition filed under Section 482, Cr.P.C, the petitioners have prayed for quashing of FIR No. 114, dated 11.10.2014 (Annexure P-1) for offence under Sections 326, 323, 324, 148 and 149, IPC, registered at Police Station Kathunangal, District Amritsar (Rural) and all the proceedings subsequent arising thereto on the basis of compromise dated 22.01.2015 (Annexure P-2).

Notice of motion for 28.04.2015.

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to

compromise/settlement on 24.03.2015, the date already fixed in the main case.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence. .”

In compliance of the above order passed by this Court, the Addl.Chief Judicial Magistrate, Amritsar, has submitted a report dated 16.04.2015 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 Addl.Chief Judicial Magistrate, Amritsar, 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 326, 323, 324, 148 and 149, IPC. They have now amicably effected the compromise with the complainant. The learned Addl.Chief Judicial Magistrate, Amritsar 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. 114, dated 11.10.2014 (Annexure P-1) against the petitioners for offence under Sections 326, 323, 324, 148 and 149, IPC, registered at Police Station Kathunangal, District Amritsar (Rural) (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
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