

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-7576 of 2014

Decided on : 12.05.2015

Aman Kalra and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Gaurav Gupta, Advocate for the petitioners.
Mr.Manish Bansal, DAG, Punjab.
Mr.Ashish Yadav, 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)

Prayer in the present petition is for quashing of FIR No.372 dated 9.6.2014, under Sections 420, 467, 468, 471, 120-B, 452 and 506, IPC registered against the petitioners at Police Station Palam Vihar Gurgaon on the basis of compromise dated 24.02.2015 (Annexure P/2)

On 10.03.2015, this Court has passed the following order:-

“Through the instant petition, the petitioners have prayed for quashing of FIR No.372 dated 9.6.2014 under Sections 420/467/468/ 471/120-B/452/506 IPC registered at Police Statiion Palam Vihar Gurgaon on the basis of compromise dated 24.2.2015 (Annexure P2).

Notice of motion.

Mr. Ashish Yadav, Advocate accepts notice on behalf of respondent no.2 and does not dispute the compromise Annexure P2. Accordingly, the parties are directed to appear before the trial Court for recording their respective statements with regard to compromise dated 24.2.2015 (Annexure P2) on

24.4.2015, the date already fixed before the trial Court.

The Trial Court is directed to submit its 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.*

List on 12.5.2015..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Gurgaon, has submitted a report dated 27.04.2015, 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 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 420, 467, 468, 471, 120-B, 452 and 506, IPC . 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.372 dated 9.6.2014, under Sections 420, 467, 468, 471, 120-B, 452 and 506, IPC registered against the petitioners at Police Station Palam Vihar Gurgaon along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.15,000/- to be deposited with the Haryana State Legal Services Authority, Chandigarh, receipt of which shall be submitted in the registry of this Court within one month from today and the registry shall tag the same with the case file.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

12.05.2015
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