

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-8228 of 2014

Decided on : 03.07.2015

Amarjit Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.R.S.Rana, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Manmeet Singh, Advocate
for respondents No.2 and 3.

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.39 dated 26.2.2014, under Section 354-A IPC, registered at Police Station City, Khanna, District Ludhiana (Annexure P-1) and the subsequent proceedings arising out of the same on the basis of compromise dated 1.3.2014 (Annexure P-2) and affidavit dated 1.3.2014 (Annexure P-3) alongwith consequential proceedings arising therefrom.

On 25.5.2015, this Court has passed the following order:-

“Prayer made in the present petition is for quashing of FIR No.39 dated 26.2.2014, under Section 354-A IPC, registered at Police Station City, Khanna, District Ludhiana (Annexure P-1) and the subsequent proceedings arising out of the same on the basis of compromise dated 1.3.2014 (Annexure P-2) and affidavit dated 1.3.2014 (Annexure P-3). Learned counsel for the petitioners submits that the matter has been compromised between the parties. Further submits that the challan has been presented and the charges have been framed in the case. The petitioners are present in person and have been identified by

learned counsel for the petitioners.

Mr. Manmeet Singh, Advocate puts in appearance on behalf of respondents No.2 and 3 and does not dispute the factum of compromise.

The parties are directed to appear before the Trial Court for recording their respective statements with regard to compromise/settlement on 29.5.2015.

The 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.

Adjourned to 3.7.2015”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Khanna, has submitted a report dated 30.05.2015 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 as well as learned counsel for the complainant have 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, Khanna, 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 Section 354-A IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Khanna 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.39 dated 26.2.2014, under Section 354-A IPC, registered at Police Station City, Khanna, District Ludhiana (Annexure P-1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

03.07.2015
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