

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-No. 8497 of 2015

Date of decision: 07.05.2015

Kulbir Singh

-----Petitioner (s)

V/s

State of Punjab and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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?

Present:- Mr. A.S. Khinda, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.142, dated 26.07.2013 (Annexure P-1), for offence under Sections 354 IPC, registered at Police Station, Sultanpur Lodhi, District-Kapurthala, on the basis of the compromise dated 13.02.2015 (Annexure P-2).

On 17.03.2015, this Court has passed the following order:-

"Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.142, dated 26.7.2013 (Annexure P-1) for offence under Section 354 IPC registered at Police Station Sultanpur Lodhi, District Kapurthala on the basis of compromise dated 13.2.2015 (Annexure P-2).

Notice of motion.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 7.4.2015 for recording

their respective statements with regard to compromise dated 13.2.2015 (Annexure P2).

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.

List on 7.5.2015."

In compliance of the above order passed by this Court, the learned Sub-Divisional Magistrate, Sultanpur Lodhi, has forwarded a report, vide which it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them and the compromise is genuine, voluntary and without any coercion or undue influence.

Learned State counsel has also admitted the factum of compromise effected between the parties and he has no objection if the impugned FIR is quashed.

Heard.

However, learned Sub-Divisional Magistrate, Sultanpur Lodhi has recorded the statements of the parties with regard to compromise and 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 of the petitioner is bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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. 142, dated 26.07.2013

(Annexure P-1), for offence under Sections 354 IPC, registered at Police Station, Sultanpur Lodhi, District-Kapurthala, are hereby quashed.

Petition is accordingly allowed.

May 07, 2015
Anjal

(HARI PAL VERMA)
JUDGE