

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-8553 of 2015

Decided on : 08.07.2015

Nona Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Jagpal Singh, Advocate
for the petitioner.
Mr.Gurinderjit Singh, DAG, 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.83, dated 23.12.2013 (Annexure P-1) for offence under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Rureke Kalan, District Barnala and all subsequent proceedings arising therefrom, on the basis of compromise dated 24.12.2013 (Annexure P-2).

On 8.5.2015, this Court has passed the following order:-

“Learned counsel for the petitioner submits that pursuant to order dated 17.3.2015 the parties were directed to appear before the learned Illaqa Magistrate/trial Court on 8.4.2015 but due to certain unavoidable circumstances, the parties could not appear before the Illaqa Magistrate/trial Court on the said date.

Learned counsel for the petitioner prays that let the trial Court be directed to record the statements of the parties to some other date.

Considering the prayer of learned counsel for the petitioner, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to

compromise/settlement on 25.5.2015.

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.

Adjourned to 8.7.2015..”

In compliance of the above order passed by this Court, the Addl.Chief Judicial Magistrate, Barnala, has submitted a report dated 08.6.2015 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 on instructions from ASI-Manjit Singh, Police Station Rureke Kalan, 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, Barnala, learned State counsel submits that he has no objection if the impugned FIR is quashed.

Heard.

The petitioner has been booked for having committed the offence punishable under Sections 326, 324, 323, 148, 149 IPC. He has now amicably effected the compromise with the complainant. The learned Addl.Chief Judicial Magistrate, Barnala 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.83, dated 23.12.2013 (Annexure P-1) for offence under Sections 326, 324, 323, 148, 149 IPC registered at Police Station Rureke Kalan, District Barnala along with consequential proceedings arising therefrom, are quashed qua present petitioner only subject to payment of costs of Rs.5,000/- to be deposited with the Punjab 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.

[Hari Pal Verma]
Judge

08.07.2015
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