

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-8604 of 2015

Decided on : 29.05.2015

Hitesh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : None for the petitioner.
Mr.Manish Bansal, 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.269, dated 15.11.2010, under Sections 406, 498-A, 323, 504 and 506 IPC, registered against the petitioners at Police Station, Naraingarh, District Ambala (Annexure P/1) and judgment/order dated 15.11.2014/17.11.2014 passed by Sub Divisional Magistrate, Nariangarh (Annexure P/2) on the basis of compromise dated 11.3.2015 (Annexure P/3) alongwith consequential proceedings arising therefrom.

On March 18, 2015, this Court has passed the following order:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.269 dated 15.11.2010 (Annexure P-1) under Sections 406, 498-A, 323, 504, 506 IPC registered at Police Station Naraingarh, District Ambala. Further prayer has been made for setting aside the judgment dated

15.11.2014/17.11.2014 passed by Sub Divisional Magistrate, Naraingarh (Annexure P/2), whereby the petitioners have been convicted for offences under Sections 498-A and 323 IPC and have been sentenced to undergo rigorous imprisonment for a period of two years and to pay fine of Rs.1500/- each under Section 498A IPC and further to undergo simple imprisonment for a period of six months under Section 323 IPC and other consequential proceedings.

Quashing is being sought on the basis of compromise dated 11.3.2015 (Annexure P/3).

Learned counsel for the petitioners submits that petitioner No.1-Hitesh and respondent No.2-Aarti Gupta are already living together along with their son and they have amicably resolved the matter.

Notice of motion.

At this stage, Mr.Pankaj Bali, Advocate accepts the notice on behalf of respondent no.2 and does not dispute the aforesaid facts.

Accordingly, in the light of compromise dated 11.3.2015 (Annexure P3), the parties are directed to appear before learned Additional Sessions Judge, Ambala on 30.3.2015, the date already fixed in the appeal against order dated 15.11.2014/17.11.2014, for recording of their respective statements with regard to compromise.

On the basis of recorded statements of the parties, the learned Additional Sessions Judge, Ambala shall furnish a report to this Court about the genuineness of the compromise on or before the date fixed.

List on 29.5.2015”

In compliance of the above order passed by this Court, the Additional Sessions Judge, Ambala, has submitted a report dated 6.4.2015 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 Additional Sessions Judge, Ambala, 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 406, 498-A, 323, 504 and 506 IPC. They have now amicably effected the compromise with the complainant. The learned Additional Sessions Judge, Ambala 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.269, dated 15.11.2010, under Sections 406, 498-A, 323, 504 and 506 IPC, registered against the petitioners at Police Station, Naraingarh, District Ambala (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

29.05.2015
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