IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-No. 8988 of 2015
Date of decision: 05.05.2015

Karam Chand

-----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. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.75, dated 23.11.2011(Annexure P-1), for offence under Sections 304-A/279/337/338 of Indian Penal Code, registered at Police Station, Tarsikka, District-Amritsar and other consequential proceedings arising therefrom, on the basis of the compromise dated 13.02.2015 (Annexure P-2).

On 20.03.2015, 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.75 dated 23.11.2011 (Annexure P-1) under Sections 304-A/279/337/338 IPC registered at Police Station Tarsikka, Distt. Amritsar and other consequential proceedings on the basis of compromise dated 13.2.2015 (Annexure P-2).
>
> Notice of motion.

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> Keeping in view the compromise dated 13.2.2015 (Annexure P-2), the parties are directed to appear before Illaqa Magistrate/trial Court, for recording of their respective statements with regard to compromise, on 31.3.2015, the date already fixed before the Illaqa Magistrate/trial Court.
>
> 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 5.5.2015."

In compliance of the above order passed by this Court, the learned Judicial Magistrate, Ist Class, Baba Bakala Sahib (Amirtsar), has submitted 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 as 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, the learned Judicial Magistrate, Ist Class, Baba Bakala Sahib(Amirtsar), 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 petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment of

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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.75, dated 23.11.2011(Annexure P-1), for offence under Sections 304-A/279/337/338 of Indian Penal Code, registered at Police Station, Tarsikka, District-Amritsar and other consequential proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

May 05, 2015 **(HARI PAL VERMA)**
Anjal **JUDGE**

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