

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-9367-2014

Decided on : 17.03.2015

Kulwinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Kamal Singh, Advocate
for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Surjeet Singh Sodhi, Advocate for the complainant.

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.51, dated 22.04.2010 under Sections 379, 420 IPC and Section 16 of Cable Television Registration Act, 1995, registered against the petitioners at Police Station, Division No.5, Jalandhar, District Jalandhar (Annexure P/1) on the basis of compromise dated 24.05.2013 alongwith consequential proceedings arising therefrom.

On 25.09.2015, this Court has passed the following order:-

“List on 08.12.2014.

In the meantime, parties are directed to get their statements recorded before the trial Court and the trial Court is directed to send the report with regard to the validity or otherwise of the compromise, after recording the statements of all the concerned parties before the next date of hearing.”

In compliance of the above order passed by this Court, the

Judicial Magistrate, 1st Class, Jalandhar, has submitted a report dated 03.12.2014 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 Judicial Magistrate, 1st Class, Jalandhar, learned State counsel has 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 379, 420 IPC and Section 16 of Cable Television Registration Act, 1995. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Jalandhar 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.51, dated 22.04.2010 under Sections 379, 420 IPC and Section 16 of Cable Television Registration Act, 1995, registered against the petitioners at Police Station, Division No.5,

Jalandhar, District Jalandhar along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

17.03.2015
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