

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

246

CRM-M-987 of 2015

Decided on : 24.03.2015

Sunil Kumar and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.K.S.Dhillon, Advocate
for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Kirpal Singh Thakur, Advocate
for respondent No.2 & 3.

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.9, dated 02.02.2012 under Sections 379, IPC registered against the petitioners at Police Station Sadar, Kapurthala, District Kapurthala (Annexure P/1) on the basis of compromise dated 17.12.2014 alongwith consequential proceedings arising therefrom.

On 14.01.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No. 9, dated 2.2.2012, under Section 379, IPC, registered at Police Station, Sadar, Kapurthala, and all the consequential proceedings arising therefrom, on the basis of the compromise.

Notice of motion for 24.03.2015.

In the meantime, the affected parties would appear before learned trial court, on 20.02.2015 which shall record their respective statements with regard to the compromise and submit its detailed report in this regard alongwith copies of the statements to this Court

on or before the adjourned date.

At this stage, Mr.Kirpal Singh, Advocate, puts in appearance on behalf of respondent Nos.2 and 3.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Kapurthala, has submitted a report dated 24.02.2015 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 Judicial Magistrate, 1st Class, Kapurthala, 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 Section 379, IPC. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Kapurthala 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.9, dated 02.02.2012 under Sections 379, IPC registered against the petitioners at Police Station, Sadar, Kapurthala, District Kapurthala (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

24.03.2015
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