

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-13490 of 2015

Decided on : 27.05.2015

Rohit and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. Bir Davinder Singh, Advocate for the petitioners.
Mr.P.S.Madahar, AAG, Punjab.
Mr.K.S.Chahal, Advocate for respondent No.2.

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 this petition is for quashing of the cross-case registered on the basis of DDR No. 33, dated 28.09.2013 (Annexure P-2) Roznamcha Police Station, Cantt Ferozpur, District-Ferozpur in FIR No. 159, dated 28.09.2013 (Annexure P-1), for offence under Sections 307, 148, 149 IPC and 25/27 of the Arms Act, registered at Police Station, Cantt. Ferozpur, District-Ferozpur and all consequent proceedings arising out of the same, on the basis of compromise dated 25.04.2015 (Annexure P-4).

On 28.04.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of the cross-case registered on the basis of DDR No. 33, dated 28.09.2013 (Annexure P-2) Roznamcha Police Station, Cantt Ferozpur, District-Ferozpur in FIR No. 159, dated 28.09.2013 (Annexure P-1), for offence under Sections 307, 148, 149 IPC and 25/27 of the Arms Act, registered at Police Station,

Cantt. Ferozpur, District-Ferozpur and all consequent proceedings arising out of the same, on the basis of compromise dated 25.04.2015 (Annexure P-4).

Notice of motion 27.05.2015.

At this stage, Mr. K.S. Chahal, Advocate, has put in appearance on behalf of respondent on behalf of respondent No.2 and accepts notice.

Accordingly, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 06.05.2015.

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..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Ferozepur has submitted a report dated 15.05.2015 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, Ferozepur, 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 Sections 307, 148, 149 IPC and 25/27 of the Arms Act. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st

Class, Ferozpur 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 DDR No. 33, dated 28.09.2013 (Annexure P-2) Roznamcha Police Station, Cantt Ferozpur, District-Ferozpur in FIR No. 159, dated 28.09.2013 (Annexure P-1), for offence under Sections 307, 148, 149 IPC and 25/27 of the Arms Act, registered at Police Station, Cantt. Ferozpur, District-Ferozpur along with consequential proceedings arising therefrom, are quashed.

[Hari Pal Verma]
Judge

27.05.2015
sd