

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM No. M-19234 of 2013(O&M)

Date of decision: 05.02.2015

Shabbir

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr. S.P.Soi, Advocate for the petitioner
Mr.Ashish Sanghi, DAG Punjab
Mr.Sonal Soi, Advocate for respondent No.2

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner Shabbir has filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 72 dated 10.5.2013 under Sections 304, 337, 338, 427 IPC registered at Police Station Meharban District Ludhiana (Annexure P1) along with consequential proceedings on the basis of compromise dated 29.5.2013 (Annexure P2).

Brief facts of the case are that as a result of high velocity storm, malba, bricks and iron angles of house of the accused fell on the roof of the house of Satish Kumar @ Chota. As a result of which, house collapsed which ultimately resulted into death of Nisha and Kalu, wife and son respectively, of the complainant.

Report of learned Judicial Magistrate 1st Class, Ludhiana

has been received. Trial Court after recording the statements has reported that the the parties have effected the compromise. Thereafter, the trial Court was directed to submit statements of the witnesses examined so far. Copies of the statements have been received. Another set of statements has been filed by the petitioner. It shows that Satish Kumar complainant as well as Shameem son of Nanha have turned hostile and have not supported case of the prosecution. As the complainant and the witness have not supported the prosecution case, therefore, otherwise also there is no prospect of the prosecution case succeeding on merits.

In view of the matter, FIR No. 72 dated 10.5.2013 under Sections 304, 337, 338, 427 IPC registered at Police Station Meharban District Ludhiana (Annexure P1) alongwith the consequential proceedings stands quashed.

The petition is accordingly allowed.

05.02.2015
gk

(Kuldip Singh)
Judge