

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-16683 of 2015
Date of Decision:-08.7.2015**

Shamsher Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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. Vikas Gupta, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. H.S. Bedi, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.33 dated 24.3.2015, under Section 307 read with Section 34 IPC and under Section 25/27/54/59 of the Arms Act, registered at Police Station Valtaha, District Tarn Taran (Annexure P-1) and further proceedings arising therefrom on the basis of compromise dated 15.4.2015 (Annexure P-2).

Vide order dated 20.5.2015, this Court has directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to forward a report

about the genuineness of the compromise to this Court.

In compliance of the order dated 20.5.2015, the parties have appeared before the learned Magistrate on 1.6.2015 for getting their statements recorded.

The report received from the learned Judicial Magistrate 1st Class, Patti, reveals that the compromise effected between the parties is free from any pressure, undue influence and coercion.

Learned State counsel does not dispute the aforesaid factual position, rather admit the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Learned Apex Court in the case of **Narinder Singh and others vs. State of Punjab and another** 2014(2) RCR (Criminal 482 held that the parties have entered into compromise for the offence under Section 307 IPC, which is non-compundable, considering that in view of the compromise, chances of conviction appeared to be remote and such like proceedings would be futile exercise. The Apex Court has held as under :-

“29. At this juncture, we would like also to add that the timing of settlement would also play a crucial role. If the settlement is arrived at immediately after the

alleged commission of offence when the matter is still under investigation, the High court may be somewhat liberal in accepting the settlement and quashing the proceedings/investigation. Of course, it would be after looking into the attendant circumstances as narrated in the previous para. Likewise, when challan is submitted but the charge has not been framed, the High court may exercise its discretionary jurisdiction. However, at this stage, as mentioned above, since the report of the I.O. under Section 173 Cr.P.C. is also placed before the Court it would become the bounding duty of the Court to go into the said report and the evidence collected, particularly the medical evidence relating to injury etc. sustained by the victim. This aspect, however, would be examined along with another important consideration, namely, in view of settlement between the parties, whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings and whether possibility of conviction is remote and bleak. If the Court finds the answer to this question in affirmative, then also such a case would be a fit case for the High Court to give its stamp of approval to the compromise arrived at between the parties, inasmuch as in such cases no useful purpose would be served in carrying out the criminal proceedings which in all likelihood would end in acquittal, in any case.”

Keeping in view the factum of compromise effected between the parties and the law laid down by learned Apex Court in Narinder Singh's case (supra), this petition is accepted and FIR No.33 dated 24.3.2015, under Section 307 read with Section 34 IPC and under Section 25/27/54/59 of the Arms Act, registered at Police Station Valtoha, District

Tarn Taran and the consequential proceedings arising therefrom are hereby quashed qua petitioners subject to payment of costs of Rs.10,000/- to be deposited with the Punjab State Legal Services Authority, Chandigarh, receipt of which shall be submitted in the Registry of this Court within one month from today and the Registry shall tag the same with the case file.

July 08, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE