

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M- 25699 of 2015

Date of decision: 26.08.2015

Raman Chehal and others

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

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. Guninder Singh Brar, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. B.S. Saroha, Advocate for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482, Cr.P.C, is for quashing of FIR No.56, dated 08.07.2015, under Sections 307, 458, 382 and 120-B IPC and under Sections 25 and 27 of the Arms Act, registered at Police Station Cheema District Sangrur (Anneuxre P-1) and all the proceedings subsequent arising thereto on the basis of compromise dated 20.07.2015 (Annexure P-2).

This Court vide order dated 05.08.2015, has passed the following order:-

“Prayer in this petition filed under Section 482, Cr.P.C, is for quashing of FIR No.56, dated 08.07.2015, under Sections 307, 458, 382 and 120-B IPC and under Sections 25 and 27 of the Arms Act, registered at Police Station Cheema District Sangrur (Anneuxre P-1) and all the

proceedings subsequent arising thereto on the basis of compromise dated 20.07.2015 (Annexure P-2).

Notice of motion for 26.08.2015

The parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 14.08.2015, the date already fixed in the main case. 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.”

Pursuant to the aforesaid order 05.08.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Sunam (Sangrur), and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Sub Divisional Judicial Magistrate, Sunam, has submitted his report dated 17.08.2015. to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Learned counsel for the petitioner, in support of his contention has relied upon a judgment of Hon'ble Apex Court in **Yogendra Yadav and others Vs. State of Jharkhand and another, 2014 (9) SCC 653** and submits that so far as the offence punishable under Section 307 IPC is concerned, no injury has been caused to the complainant, as the fire shots has not caused any injury to the complainant or anybody.

Mr. B.S. Saroha, Advocate, has put in appearance on behalf of respondent No.2/complainant and does not dispute the factum of compromise entered between the parties.

Learned State counsel has also admitted the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Considering the fact that trial at the initial stage and no injury no injury has been caused to the complainant or anybody, as well as following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)** and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303** and Judgment of **Hon'ble Apex Court in Yogendra Yadav and others Vs. State of Jharkhand and another, 2014 (9) SCC 653** this petition is allowed and FIR No. 56, dated 08.07.2015, under Sections 307, 458, 382 and 120-B IPC and under Sections 25 and 27 of the Arms Act, registered at Police Station Cheema District Sangrur (Annexure P-1) and all the proceedings subsequent arising thereto on the basis of compromise dated 20.07.2015 (Annexure P-2), are hereby quashed.

August 26, 2015
Anjal

(HARI PAL VERMA)
JUDGE