

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-29691 of 2014

Decided on : 08.07.2015

Kehar Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr. K.B.Raheja, Advocate for the petitioners.
Mr.Gurinderjit Singh, DAG, Punjab.
Mr.D.S.Malwai, Advocate

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. 282, dated 09.11.2013, for offence under Sections 447, 511, 506 and 427 of IPC and 25/27 of the Arms Act, 1959, registered at Police Station, Sadar, Ferozpur, District-Ferozepur and all subsequent proceedings arising in the FIR on the basis of compromise (Annexure P-2) alongwith consequential proceedings arising therefrom.

On 21.05.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No. 282, dated 09.11.2013, for offence under Sections 447, 511, 506 and 427 of IPC and 25/27 of the Arms Act, 1959, registered at Police Station, Sadar, Ferozpur, District-Ferozepur and all subsequent proceedings arising in the FIR on the basis of compromise (Annexure P-2).

At this Stage, Mr. D.S. Malwa, Advocate, has put in appearance on behalf of respondent No.2 and does not dispute the factum of compromise.

Keeping in view the compromise, the parties are directed to appear before Illaqa Magistrate, for recording of their respective statements with regard

to compromise on 03.06.2015.

The Illaqa Magistrate 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.*

List on 08.07.2015..”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Ferozepur, has submitted a report dated 15.6.2015 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 as well as learned counsel for the complainant have 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 447, 511, 506 and 427 of IPC and 25/27 of the Arms Act, 1959. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Ferozepur 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. 282, dated 09.11.2013, for offence under Sections 447, 511, 506 and 427 of IPC and 25/27 of the Arms Act, 1959, registered at Police Station, Sadar, Ferozpur, District-Ferozepur along with consequential proceedings arising therefrom, are quashed subject to payment of costs of Rs.5,000/- 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.

[Hari Pal Verma]
Judge

08.07.2015
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