

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

CRM-M-No. 40649 of 2014

Date of decision: 05.05.2015

Malkiat Singh 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. Jagraj Singh Khiva, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab, for respondent No.1.

Mr. Sukhdev Singh, Advocate for
Mr. L.S. Sidhu, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition, filed under Section 482 Cr.P.C. is for quashing of FIR No.13, dated 28.02.2010, for offence under Sections 379, 447, 506, 511, 148 and 149 of Indian Penal Code and Section 25, 27, 54 and 59 of the Arms Act(Annexure P-1) registered at Police Station, Jaurkian, District-Mansa, and all consequential proceedings arising therefrom, on the basis of the compromise dated 10.10.2014 (Annexure P-2).

Learned counsel for the petitioner submits that though there was total 19 accused but the accused, namely, Chet Singh and Shamsher Singh have died and, therefore, the present petition has been filed on the basis of remaining 17 accused.

On 28.11.2014, this Court has passed the following order:-

"Prayer in this petition is for quashing of FIR No.13, dated 28.02.2010, under Sections 148, 379, 447, 506 and 511 read with Section 149, IPC, and Sections 25 and 27 of the Arms Act, registered at Police Station, Jaurkian, District Mansa, and all the consequential proceedings arising therefrom, on the basis of the compromise.

Notice of motion for 23.01.2015.

In the meantime, the affected parties would appear before the learned trial court on 15.12.2014 which shall record their respective statements with regard to the compromise and submit its detailed report in this regard alongwith copies of the statements to this Court on or before the adjourned date."

In compliance of the above order passed by this Court, the learned Sub Divisional Judicial Magistrate, Sardulgarh, has submitted a report, vide which it is mentioned that parties have appeared before him and have given their statements in respect of compromise effected between them as genuine, voluntary and without any coercion or undue influence.

Learned State counsel has also admitted the factum of compromise effected between the parties and he has no objection if the impugned FIR is quashed.

Heard.

However, the learned Sub Divisional Judicial Magistrate, Sardulgarh, has recorded the statements of the parties with regard to compromise and 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 of the petitioners are bleak.

Keeping in view the factum of the compromise effected between the parties and the law laid down by Full Bench judgment 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.13, dated 28.02.2010, for offence under Sections 379, 447, 506, 511, 148 and 149 of Indian Penal Code and Section 25, 27, 54 and 59 of the Arms Act(Annexure P-1) registered at Police Station, Jaurkian, District-Mansa, and all consequential proceedings arising therefrom, are hereby quashed.

Petition is accordingly allowed.

May 05, 2015
Anjal

(HARI PAL VERMA)
JUDGE