

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-7498 of 2015

Decided on : 28.04.2015

Harwinder Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR.JUSTICE HARI PAL VERMA

Present : Mr.Gaurav Singla, Advocate for the petitioners.
Mr.R.S.Nain, AAG, Punjab.
Mr.Vaneet Garg, Advocate for respondent No.2.

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. 24, dated 06.02.2015 (Annexure P-1) for offence under Sections 452, 336, 506, 148 and 149, IPC and Sections 25, 27, 54 and 59 of the Arms act, registered at Police Station Dakha District Ludhiana (Rural) (Annexure P/1) on the basis of compromise dated 15.02.2015 (Annexure P/2) alongwith consequential proceedings arising therefrom.

On 09.03.2015, this Court has passed the following order:-

“Through the present petition filed under Section 482 Cr.P.C. for quashing of FIR No. 24, dated 06.02.2015 (Annexure P-1) for offence under Sections 452, 336, 506, 148 and 149, IPC and Sections 25, 27, 54 and 59 of the Arms act, registered at Police Station Dakha District Ludhiana (Rural) and all the proceedings subsequent arising thereto on the basis of compromise dated 15.02.2015 (Annexure p-2).

Notice of motion for 28.04.2015.

The parties are directed to appear before the

Illaq Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 24.03.2015.

The Illaq 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.”

In compliance of the above order passed by this Court, the Judicial Magistrate, 1st Class, Ludhiana, has submitted a report dated 06.04.2015 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 has 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, Ludhiana, 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 452, 336, 506, 148 and 149, IPC and Sections 25, 27, 54 and 59 of the Arms Act. They have now amicably effected the compromise with the complainant. The learned Judicial Magistrate, 1st Class, Ludhiana 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. 24, dated 06.02.2015 (Annexure P-1) for offence under Sections 452, 336, 506, 148 and 149, IPC and Sections 25, 27, 54 and 59 of the Arms act, registered at Police Station Dakha District Ludhiana (Rural) (Annexure P/1) along with consequential proceedings arising therefrom, are quashed.

Petition is accordingly allowed.

[Hari Pal Verma]
Judge

28.04.2015
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