

CRM-M-14377-2014 (O/M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14377-2014 (O/M)
Date of Decision : 24.5.2016

Hari Mohan alias Rahul and another Petitioners

Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Deepender Singh, Advocate, for the petitioners.

Mr. Satish Saini, Deputy A.G. Haryana.

Mr. Ram Krishan Rana, Advocate,
for respondents No. 2 to 5.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J.

The petitioners have filed this petition under Section 482 Cr.P.C. for quashing of FIR No. 92 dated 9.5.2008, registered under Sections 147, 149, 323, 506 IPC (later Section 307 IPC added) at Police Station Ballabgarh Sadar, District Faridabad, and the consequential proceedings arising therefrom, pending in the Court of Juvenile Justice Board, Faridabad, on the basis of compromise.

Heard.

It comes out that the present petitioners are facing trial before the Juvenile Justice Board, Faridabad. Five other persons were tried by the learned Additional Sessions Judge, Faridabad, for the same occurrence and

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sentenced to undergo rigorous imprisonment for 5 years each and to pay fine of Rs. 10,000/- each, in default thereof, to further undergo rigorous imprisonment for 4 months each under Section 307 IPC, vide judgment of conviction and order of sentence dated 19.3.2012. However, in the appeal against conviction, filed before this Court (CRA-S-1814-SB-2012), on the basis of compromise, the said five persons were sentenced to the period already undergone by them. In this case, the statements of four injured have also been recorded, in which they have stated that they have compromised the matter and they have no objection, if the FIR in question is quashed.

I am of the view that the modification of judgment dated 19.3.2012, passed by the learned Additional Sessions Judge, Faridabad, by this Court is no ground to quash the FIR in question qua present petitioners. In the said case, on the basis of compromise, they were sentenced to the period already undergone by them and the FIR in question or judgment of conviction by the lower Court was not quashed. In the present case, all the accused, armed with swords, sticks and iron rods, gave injuries to four persons. The manner of commission of crime shows that it is not a fit case where the FIR in question should be quashed. There are serious allegations against the accused persons under Section 307 IPC. However, the compromise is a ground for taking lenient view in the matter. This is to be done by the trial Court and not by this Court.

The petition is accordingly dismissed.

(KULDIP SINGH)
JUDGE

24.5.2016
sjks