

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

Criminal Misc. No. M-28147 of 2015

Date of Decision:-14.3.2016

Daljit Singh @ Lali and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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. Rajesh Bhateja, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.104 dated 3.7.2009, under Sections 307, 148 and 149 IPC and under Section 25/27 of the Arms Act, registered at Police Station Moga City, District Moga (Annexure P-1) as well as the order dated 15.1.2015 passed by the learned Chief Judicial Magistrate, Moga, whereby the petitioners have been summoned to face trial under Section 307/34 IPC and under Section 25/27 of the Arms

Act (Annexure P-2) along with all consequential proceedings arising therefrom on the basis of compromise dated 21.7.2015 (Annexure P-3).

Vide order dated 29.10.2015 and thereafter on 11.12.2015, this Court had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the orders passed by this Court, the parties have appeared before the learned Magistrate on 08.1.2016 for getting their statements recorded.

The report dated 15.1.2016 received from the learned Chief Judicial Magistrate, Moga, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Ravi Kumar before the Chief Judicial Magistrate, Moga, on 8.1.2016 reads as under :-

“On my initiation FIR No.104 dated 3.7.2009 under Sections 307, 148, 149 IPC and 25/27/54/59 of the Arms Act was registered at PS City Moga against Daljit Singh @ Lalli son of Balwant Singh, Sukhnain Singh son of Swaranjit Singh and Swaranjit Singh son of Balwant Singh, all residents of Inder Singh Gill Nagar, Moga. Now with the intervention of respectables of our village a compromise has been effected between me and all the accused persons namely Daljit

Singh @ Lalli, son of Balwant Singh, Sukhnain Singh son of Swaranjit Singh and Swaranjit Singh son of Balwant Singh, all residents of Inder Singh Gill Nagar, Moga. No other case is pending between me and accused. I am making this statement out of my free will and without any coercion from any corner.”

Learned State counsel states that the police has submitted the cancellation report more than two times but the same was not accepted by the trial Court and, therefore, the cancellation was treated as challan.

Learned counsel appearing for respondent No.2 does not dispute the factum of compromise effected between the parties.

Learned counsel for the petitioners submits that the case of the petitioners falls within the parameters laid down by Hon'ble Apex Court in [Narinder Singh & others v. State of Punjab & Anr.](#) 2014 (2) RCR (Criminal) 482 as quashing was sought at the initial stage and more particularly when the police had submitted the cancellation report.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of the conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is accepted and FIR No.104 dated 3.7.2009, under Sections 307, 148 and 149 IPC and under Section 25/27 of the Arms Act, registered at Police Station Moga City, District Moga and the consequential proceedings arising therefrom are hereby quashed qua petitioner.

The petition is disposed of.

March 14, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE