

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

C.R.M-M No.24408-2013

Date of Decision : 04.12.2015

Guriqbal Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Ashish Sanghi, D.A.G., Punjab.

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

AJAY TEWARI, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No. 171 dated 08.08.2012, under Sections 307, 506, 34 IPC and Section 25, 54, 59 of the Arms Act, registered at Police Station, Phase-I, Mohali and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-1).

On 29.07.2013 the following order was passed:-

“The allegation in the FIR is that on the date of the incident all the three petitioners had come to the house of Tarlochan Singh and fired shot which did not injure any body. Counsel for the petitioners asserts that no bullet has

been recovered from the site.

Notice of motion for 20.12.2013.

The trial Court is directed to send the report with regard to the validity or otherwise of the compromise (Annexure P1) after recording the statement of all the concerned parties before the next date of hearing. The trial Court after seeing the official record shall also inform whether any recoveries were made out.”

Thereafter, the report of the Additional District & Sessions Judge, SAS Nagar, Mohali dated 23.09.2013 has been received whereby he has mentioned that the parties had appeared before him and has attested to the fact that a compromise has indeed taken place between them and that the compromise has been executed voluntarily and without any pressure.

Learned counsel for the petitioners states that Section 307 IPC is not made out because its a no injury case.

Learned Deputy Advocate General has also accepted this fact.

The Hon'ble Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society. The Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another** reported as (2014) 6 SCC 466 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise in an offence

under Section 307 IPC.

In view of the above judicial pronouncements, I am of the considered opinion that continuation of criminal proceedings between the parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the above said FIR and all consequential proceedings arising therefrom are quashed qua petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

04.12.2015

pooja sharma-I

**(AJAY TEWARI)
JUDGE**