

CRM-M-23626 of 2014

Date of Decision: 23.01.2015

Gurmeet Singh @ Metta and others

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.S.S.Bhinder, Advocate
for the petitioners
Mr. Sandeep Kumar Bansal, AAG, Punjab
for the respondent-State
Mr. A.S.Bhinder, Advocate
for respondent No.2

1. Whether Reporters of local papers 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?

REKHA MITTAL, J.

The petitioners have prayed for quashing of FIR No. 29 dated 2.4.2012 for offence punishable under Sections 452, 336, 148, 149 of the Indian Penal Code (in short “IPC”)and Section 25 of the Arms Act, 1959 (in short “the Act”) registered at Police Station, Talwandi Sabo on the basis of compromise(Annexures P-2).

In the instant case, the FIR was registered on the statement of respondent No.2-complainant Balveer Singh. Now the matter has been amicably settled between the parties.

Counsel for the petitioners contends that challan in this case

has been presented but the charges are yet to be framed. Counsel submits that the petitioners never absented from the proceedings nor proceedings are pending for declaring them as proclaimed offenders. Counsel further submits that as the parties have amicably settled their differences, no useful purpose would be served by continuation of the criminal proceedings.

Respondent No.2-complainant is present in Court with his counsel Mr. A.S.Bhinder, Advocate. Affidavit of respondent No.2 filed in Court is taken on record. His statement was recorded in the Court. An extract from his statement is quoted thus:-

“I am the author of FIR No. 29 dated 2.4.2012, registered at Police Station, Talwandi Sabo for offence punishable under Sections 452, 336, 148, 149 of the Indian Penal Code. The challan in the case has been presented but charge is yet to be framed. Dispute between the parties has been settled by way compromise. I have filed my affidavit dated 20.11.2014 which may be read as part of my statement. In view of settlement, I have got no objection if the aforesaid FIR and proceedings emanating therefrom are ordered to be quashed.”

Mr. S.K.Bansal, AAG. Punjab and counsel for respondent No. 2 have not disputed contention of the petitioners that the parties have arrived at an amicable settlement. Counsel for the State submits in response to query of the court that no sanction has been obtained from the Deputy Commissioner to prosecute the accused for offence under the Arms Act.

I have heard counsel for the parties and perused the records.

There is nothing on record to doubt correctness of the compromise effected between the parties, whereby they have decided to

settle their dispute with an intention to live in peace and harmony. The present case falls in the category of cases, which can be allowed to be settled by way of compromise, in view of the decision of Hon'ble the Supreme Court of India in *Gian Singh v. State of Punjab and another, 2012(4) R.C.R. (Criminal) 543*.

In view of what has been discussed hereinabove, the petition is allowed and FIR No. 29 dated 2.4.2012 for offence punishable under Sections 452, 336, 148, 149 IPC and Section 25 of the Act, registered at Police Station, Talwandi Sabo and proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(REKHA MITTAL)
JUDGE

23.01.2015

PARAMJIT