

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

-.-

Date of decision: 23.02.2015

CRM M 29116 of 2014

Jasbir Singh and others

..... *Petitioners*

Versus

State of Punjab and others

.....*Respondents*

CRM M 29120 of 2014

Sukhchain Singh and others

.....*Petitioners*

Versus

State of Punjab and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Sekhon, Advocate
 for the petitioners (CRM M 29116 of 2014)
 for private respondents (CRM M 29120 of 2014)

 Mr. A S Sidhu, Advocate
 for the petitioners (CRM M 29120 of 2014)
 for the private respondents (CRM M 29116 of 2014)

 Mr. Arshdeep S Klar, DAG, Punjab
 for the respondent State

-.-

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.

By way of this order, I shall dispose of aforesaid petitions as they emerged from FIR No. 71 dated 10.06.2012 for offence punishable under Sections 307, 324, 323 read with Section 34 of the Indian Penal

Code registered in Police Station Mamdot, District Ferozepur being version and cross version.

Vide CRM M 29116 of 2014, the petitioners have prayed for quashing of FIR No. 71 dated 10.06.2012 for offence punishable under Sections 307, 324, 323 read with Section 34 of the Indian Penal Code registered in Police Station Mamdot, District Ferozepur whereas, vide CRM M 29120 of 2014, the petitioners have prayed for quashing of cross case registered vide DDR No. 31 dated 12.06.2012 for offence punishable under Sections 324, 323, 148 and 149 IPC in aforesaid FIR on the basis of compromise dated 23.08.2014 arrived at between the parties.

Counsel representing the petitioners Jasbir Singh and others (CRM M 29116 of 2014) has submitted that offence punishable under section 307 IPC was added in the FIR due to allegations by the complainant that Kuldeep Singh son of Mukhtiar Singh (petitioner No. 4) fired a gun shot towards Kulwant Singh respondent No. 5 but no injury in the occurrence has been sustained by respondent No. 5. It is further submitted that injuries sustained by Sukchain Singh, Harbans Singh, Kuldeep Singh (respondents No. 2 to 4) constitute offence punishable under Sections 324 and 323 IPC. It is further argued that the present case is a case of version and cross version and in the cross version, Mukhtiar Singh and Jasbir Singh sustained injuries at the hands of respondent party. The last submission made by counsel is that the parties are related to each other and they have decided to bury the hatchet for peaceful future.

Vide order dated 05.12.2014, the parties were directed to appear before the trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Ferozepur wherein it has been reported that statements of the parties have been recorded and that they have voluntarily compromised the matter.

Counsel for the State does not dispute genuineness of the compromise in view of the report of trial Court. Counsel also conceded to the fact that Section 307 IPC was added in the FIR on the allegations by the complainant that Kuldeep Singh fired a gun shot towards Kulwant Singh, respondent No. 5, but no injury in the occurrence has been sustained by respondent No. 5

A perusal of allegations in the FIR reveals that the present case squarely falls in that category of cases which can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view the authoritative enunciation of law laid down by Hon'ble the Supreme Court in '*Gian Singh v. State of Punjab and another*', 2012(4) *R.C.R. (Criminal)* 543 and in the light of facts and circumstances of the present case, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

In this view of the matter, the petitions are allowed and FIR No. 71 dated 10.06.2012 for offence punishable under Sections 307, 324, 323 read with Section 34 IPC registered in Police Station Mamdot, District Ferozepur and cross case registered vide DDR No. 31 dated 12.06.2012 for offence punishable under Sections 324, 323, 148 and 149 IPC in the aforesaid FIR and proceedings emanating therefrom stand quashed qua the

petitioners.

Photocopy of the order be placed on the connected file.

(Rekha Mittal)
Judge

23.02.2015
mohan