

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No. M- 35735 of 2014(O&M)

Date of Decision: February 4, 2015.

Gursewak Singh @ Soni and others

..... PETITIONER(s)

Versus

State of Punjab and another

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mohd. Yousaf, Advocate for
Mr. P.S.Dhaliwal, Advocate
for the petitioners.

Mr. Surjeet S.Chaudhary, DAG, Punjab.

Mr. Rajender Kumar, Advocate
for respondent No.2.

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?

LISA GILL, J.

1. Prayer in this petition is for quashing of FIR No.78 dated 24.03.2008, under Sections 307/34 IPC and Section 27 of the Arms Act, 1959 (Challan filed under Sections 336/337 IPC and Section 27 of the Arms Act, 1959), registered at police station City Barnala, District Barnala and all other consequential proceedings arising therefrom on the basis of compromise,

Annexure P2, having been entered into between the parties.

2. Aforesaid FIR has been registered on the basis of a statement of Balwinder Singh, respondent No.2 alleging the commission of offences punishable under Sections 307/34 IPC and Section 27 of the Arms Act, 1959 by the petitioners.

3. Due to the intervention of respectables, elders and friends, a compromise has been arrived at between the parties on 31.03.2008, Annexure P2. The parties wish to live in peace and harmony and put an end to the acrimony between them. They belong to the same area.

It is submitted that the police had, in fact, filed cancellation report in this case, which was not accepted due to the absence of the complainant as well as the Investigating Officer of the case.

4. This Court on 28.11.2014 had directed the parties to appear before learned trial court on or before 08.12.2014 for getting their statements recorded in respect to the above-mentioned compromise. Learned trial court was directed to submit a report regarding the genuineness of the compromise, as to whether it has been arrived at out of the free will and volition of the parties without any coercion, fear or undue influence.

5. Learned trial court was also directed to intimate whether any of the petitioners are proclaimed offenders and regarding any other case pending against them. Information was also sought as to whether all affected persons are a party to the settlement.

6. Pursuant thereto, report dated 08.12.2014 has been received from the Chief Judicial Magistrate, Barnala wherein it is observed that the settlement

between the parties is genuine and entered into voluntarily without any coercion or undue influence. Statement of the complainant-Balwinder Singh has been recorded alongwith the statements of petitioners. The said statements have been appended alongwith the report.

7. Mr. Rajender Kumar , Advocate puts in appearance on behalf of Balwinder Singh, respondent No.2 reiterating the factum of settlement between the parties and submits that respondent No.2 has no objection to the quashing of the aforementioned FIR against the petitioners.

8. Learned counsel for the State, on instructions from HC Gurmel Singh, verifies that the cancellation report in this case had indeed been filed.

9. In **Kulwinder Singh and others versus State of Punjab and another** 2007 (3) R.C.R. (Criminal) 1052, a five member Bench of this Court has observed as under:-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

10. In view of the above, it would be in the interest of justice to quash the abovesaid FIR as no useful purpose would be served by continuing the present proceedings. It will only lead to wastage of precious time of the court and would be an exercise in futility as the chances of conviction of the petitioners are bleak.

11. This petition is, thus, allowed and FIR No. 78 dated 24.03.2008,

under Sections 307/34 IPC and Section 27 of the Arms Act, 1959, registered at police station City Barnala, District Barnala alongwith all consequential proceedings is, hereby, quashed.

February 4, 2015.
'om'

(LISA GILL)
JUDGE