

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

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**CRM-M-39341-2014
Date of Decision: December 8, 2015.**

BALBIR SINGH & ANR

.....PETITIONERS

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Inderjit Sharma,Advocate
for the petitioners

Mr.A.S.Kler,DAG,Punjab

Mr.Karan Choudhary,Advocate
for respondents No.2 and 3.

M.M.S.BEDI, J.(Oral)

This is a petition for quashing of FIR No.94 dated 04.09.2013 under Sections 307/323 IPC and 25/27 Arms Act registered at Police Station Tibber, District Gurdaspur on the basis of compromise. The FIR was registered at the instance of respondent No.3 Samund Singh alleging that his son respondent No.2 Tarsem Singh accidentally received a fire arm injury in a scuffle with petitioner No.1 on his left leg. The gun belonged to Tarsem Singh. After presentation of challan, the parties claim that they have entered into compromise.

Parties were directed to appear before the trial Court and get their statements recorded regarding the matter having been compromised.

After recording the statements of the complainant, injured and the petitioner, the trial Court has sent a report that parties have entered into compromise without any threat, coercion or undue influence.

The injured complainant and accused are members of a family. The intention to kill is apparently neither alleged nor prima facie made out.

Without entering into this entire controversy, I am of the opinion that continuation of criminal proceedings will not result in conviction of any person in the facts and circumstances of the case noticed herein before. Following the judgment of **Kulwinder Singh vs. State of Punjab and others 2007(3) RCR(CrI.)1052**, the FIR can be quashed on the basis of compromise in the present case.

In view of the above discussion, the instant petition is allowed. The aforesaid FIR along with all consequential proceedings emanating therefrom are hereby quashed on the basis of compromise subject to the condition that petitioners will deposit a total sum of Rs.10,000/- with the Punjab Police Welfare Fund, Sector 9, Chandigarh and another total sum of Rs.10,000/- with the Punjab Legal Services Authority, Sector 22, Chandigarh within a period of one month.

December 8, 2015
TSG

(M.M.S.BEDI)
JUDGE