

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 250

Criminal Miscellaneous No.M-4873 of 2015 (O & M)

Date of Decision: April 21, 2015

Bakhtaur Singh & another

..... PETITIONERS

VERSUS

State of Punjab & another

..... RESPONDENTS

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CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

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?

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PRESENT: - Mr. Gurbir Singh Sidhu, Advocate, for petitioners.

Mr. R.S. Sidhu, Assistant Advocate General, Punjab.

Mr. Varlin Garg, Advocate, for respondent Nos.2 and 3.

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Jaspal Singh, J (Oral)

1. This petition has been preferred under Section 482 Cr.P.C. for quashing FIR No.56 dated May 26, 2013 (Annexure P-1), under Sections 307, 34 IPC and Section 27 of Arms Act registered at Police Station, Nehianwala, District Bathinda, and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. Report of learned Judicial Magistrate has been received, in which, it has been categorically observed that compromise has been effected between complainant as well as accused with their own free will, without any threat, pressure, coercion and same is genuine one. Even otherwise, matter involved is personal in nature, which has been amicably put at rest.

3. In Narinder Singh & others vs. State of Punjab & another, 2014(2) RCR (Criminal) 482, while dealing with a matter registered under Sections 307, 324, 323, 34 IPC, it has been held by Hon'ble Supreme Court that in view of compromise between parties, there is a minimal chance of witnesses coming forward in support of the prosecution case. Even though, nature of injuries can still be established by producing the doctor as witness who conducted medical examination, it may become difficult to prove as to who caused these injuries. The chances of conviction, therefore, appear to be remote. It would, therefore, be unnecessary to drag these proceedings.

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

5. Consequently, instant petition stands allowed and FIR No.56 dated May 26, 2013 (Annexure P-1), under Sections 307, 34 IPC and Section 27 of Arms Act, registered at Police Station, Nehianwala,

District Bathinda, and subsequent proceedings arising therefrom are
quashed qua petitioners.

April 21, 2015
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(Jaspal Singh)
Judge