

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

CRM-M-13097 of 2016

Date of decision: 15.11.2016

Sunny Kalyan & others

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Manuj Nagrath, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

None for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.0008 dated 14.01.2016 under Sections 307/511/452/379/148/149 IPC and Section 25 of the Arms Act, 1958 registered at Police Station Div.No.3 Jalandhar (Annexure P-1) District Jalandhar and all consequential proceedings arising therefrom on the basis of compromise dated 27.01.2016 (Annexure P-2).

Learned counsel for the petitioners contends that though the offence under Section 307 IPC has been added in the FIR, however same falls within the parameters laid down by Apex Supreme Court in **Narinder Singh and others Versus State of Punjab and another, 2014(2) RCR (Criminal) 482**, as no injury was caused with the use of weapon and the case is still at the initial stage of investigation. He further submits that so

far as the judgement of Hon'ble the Apex Court passed in *State of M.P. and another Vs. Rajveer Singh and others, 2016(3) R.C.R. (Criminal) 176*, is concerned, the injury caused to the complainant-victim in that case was grave and fatal in nature, as the same could not be cured, however, in the present case no such injury has been caused to anybody. Moreover, the only allegation is that the petitioner has fired three times in the air. Therefore, there is no impediment for quashing of FIR on the basis of compromise.

This Court vide order dated 22.04.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 22.04.2016, the parties have appeared before learned Addl. Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 19.05.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Though, today no one is present on behalf of respondents No.2 & 3, namely, Paramjit @ Ravi son of Balwant Singh and Shelly Bomtra wife of Paramjit receptively, but no prejudice would be caused to them, as they have already suffered statements with regard to the compromise before the learned Magistrate on 12.05.2016. The statement made by complainant-respondent No.2-Paramjit @ Ravi son of Balwant Singh, reads as under:-

“Stated that the present FIR No.8 dated 14.01.2016 u/s 307/511/452/379/148/149 IPC, PS Divn. No.3 Jalandhar was registered on my statement against the accused namely Sunny

Kalyan, Deepak Kumar, Ishu, Mohit and Rohit. Now with the intervention of the respectables, matter has been compromised between me and the above said accused. The compromise has been effected without any pressure, coercion and undue influence from any side and with my free will. Compromise has also been reduced into writing and the same is Ex.C1 which bears my signatures. An affidavit in this regard was also effected by me and the same is ExC2. I have no objection if the present FIR be quashed. I have brought my original driving license today in court and the copy of the same is Ex C3.”

Apart from the statement of the complainant-respondent No.2, similar statement has also been made by respondent No.3- Shelly Bomtra, whereby she has shown no objection to the FIR being quashed. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned State counsel does not dispute the factum of compromise entered into between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052 (P&H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others (2012)10 SCC 303** as well as **Narinder Singh's case(supra)**, this petition is allowed and FIR No.0008 dated 14.01.2016 under Sections 307/511/452/379/148/149 IPC and Section 25 of the Arms Act, 1958 registered at Police Station Div.No.3 Jalandhar (Annexure P-1) District Jalandhar and all other consequential proceedings arising therefrom, are

quashed, qua the petitioners, in view of the compromise dated 27.01.2016
(Annexure P-2).

15.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Yes/No</i>