

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

**CRM NO. M-16605 of 2014 (O&M)**

**Date of decision:- October 07, 2016**

**BHAGWAN SINGH AND OTHERS**

**...PETITIONERS...**

**VERSUS**

**STATE OF PUNJAB AND OTHERS**

**...RESPONDENTS...**

**CORAM : HON'BLE MR. JUSTICE JASPAL SINGH**

Present : Ms. G.K. Mann, Advocate,  
for the petitioners.

Mr. A.S. Sidhu, AAG, Punjab.

Mr. Nripjeet S. Mehrob, Advocate,  
for respondents No.2 to 6.

\*\*\*\*\*

**JASPAL SINGH, J.**

Instant petition has been preferred under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.48, dated 28.03.2011, under Sections 307, 323, 324, 325, 336, 148, 149 IPC and Section 25/27 of the Arms Act, Police Station Lapoke, District Amritsar (Annexure P-1), along with all consequential proceedings arising out of the same, 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 effected between the parties is genuine, which has been voluntarily entered into. However, it is specified by ld. Magistrate that petitioner No.6-Harpreet Singh is the

proclaimed offender, who did not turn up for getting his statement recorded in respect of the compromise.

3. Subsequently, during the pendency of instant petition, CRM-17482-2014 was moved for placing on record the affidavit of complainant-respondent No.2 (Annexure P-15) and the affidavit (Annexure P-15) was taken on record. Otherwise also, from the facts and circumstances, this Court is of the considered view that the matter involved is personal in nature, which has been amicably put at rest. Compromise is the soul of justice, which not only enhances the social amity, harmony and peace but also reduces friction and discord.

4. Moreover, this Court in case “Kulwinder Singh & others v. State of Punjab & others; 2007 (3) RCR (Criminal) 1052”, has already observed that after the matter is amicably settled between the parties, the continuation of criminal proceedings is nothing but an abuse of the process of law and the FIR as well as subsequent proceedings emanating therefrom were quashed.

5. Adverting to the facts and circumstances of the case in hand, the parties have amicably settled the matter. Statement not only of the complainant but that of respondents No. 1 to 8 (except petitioner No.6) has already been recorded by the Id. Magistrate, who has categorically opined that the compromise arrived at between the parties is genuine and is the result of free-will and volition of the parties. As far as petitioner No.6 is concerned, complainant-respondent No.2-Hardip Singh has also furnished a fresh affidavit that he has compromised the matter with petitioner No.6 also and he has no objection, if the FIR as well as subsequent proceedings qua

him is quashed.

6. Otherwise also, it has been pointed out by Ms. G.K. Mann, Advocate for the petitioners today in the Court that Harpreet Singh-petitioner No.6, who was declared proclaimed offender has already been surrendered before the Id. trial court on 06.09.2016 and is at present in judicial custody.

7. Hardip Singh-complainant is also present today in the Court and he has categorically stated that he has no objection, if the FIR as well as proceedings qua Harpreet Singh-petitioner No.6 is also quashed along with the other petitioners.

8. As earlier observed, the compromise is for the benefit of the parties and would bring harmony amongst them. Resultantly, this Court is of the considered view that the continuation of criminal proceedings would be an abuse of the process of law.

9. Accordingly, the instant petition stands allowed and FIR No.48, dated 28.03.2011, under Sections 307, 323, 324, 325, 336, 148, 149 IPC and Section 25/27 of the Arms Act, Police Station Lapoke, District Amritsar, and all other consequential proceedings arising therefrom are quashed qua the petitioners.

**October 07, 2016**  
sonika

**(JASPAL SINGH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether reportable: Yes/No**