

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

**Criminal Misc. No. M-28408 of 2016
Date of Decision:-01.12.2016**

Amritpal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Gagandeep Singh Simble, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.457 dated 23.12.2011, under Sections 307, 336, 323, 148, 149, 427 IPC and Section 25/27 of the Arms Act, registered at Police Station Civil Lines, District Amritsar City (but the challan was presented under Sections 336, 323, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act) (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

Learned counsel for the petitioners states that initially the FIR

was registered under Sections 307, 336, 323, 148, 149, 427 IPC and Section 25/27 of the Arms Act but during investigation, offence under Section 307 IPC was deleted. Thus, the quashing of FIR in this petition confines only under Sections 336, 323, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act.

Vide order dated 17.8.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 17.8.2016, the parties have appeared before the learned Magistrate on 24.8.2016 for getting their statements recorded.

The report dated 07.9.2016 received from the learned JMIC, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Sandeep Singh before the JMIC, Amritsar, on 24.8.2016 reads as under :-

“Stated that an FIR No.457 dated 23.12.2011, under Sections 307, 336, 323, 427, 148, 149 of IPC and Sections 25/27 of Arms Act, P.S. Civil Line, District Amritsar City but the challan was presented under Sections 336, 323, 148, 149, 427 of IPC and Sections 25, 27, 54, 59 of Arms Act, has been got registered against Amritpal Singh, Narinderpal Singh, Kuldeep Singh @ Jyoti and Sukhjinder Singh on my statement. Now a compromise Ex.C1 has been entered into between me

and the accused persons with the intervention of respectables of the village. On the basis of the compromise, accused mentioned above have filed a petition CRM-M-28408 of 2016 before Hon'ble Punjab & Haryana High Court for quashing the aforementioned FIR. No pressure has been asserted by anyone upon me in this regard. The compromise is genuine and voluntary and with my free will. I have no objection if the said FIR No.457 dated 23.12.2011 alongwith ancillary proceedings be quashed.”

Learned State counsel does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.457 dated 23.12.2011, under Sections 336, 323, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station

Civil Lines, District Amritsar City and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

December 01, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No