

280.

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

CRM-M-31392-2016

Date of decision:04.11.2016

Karanbir Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Amit Dhawan, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Mandeep Singh, Advocate,
for Mr. Balkar Singh, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.3 dated 19.01.2016 under Sections 336, 427 IPC and 25/27/54/59 of Arms Act, registered at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 29.08.2016 (Annexure P-2).

This Court vide order dated 09.09.2016 had directed the parties to appear before the Jurisdictional Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted report dated 30.09.2016 to the effect that the parties have arrived at a volunteer compromise.

Respondent No.2-complainant, namely, Balkar Singh has made his statement with regard to compromise before learned Magistrate on 27.09.2016. The same is reproduced as under:-

“Stated that present FIR has been got registered on my statement against accused Karanbir Singh and Charan Singh. I entered into a compromise voluntarily at my own without any pressure, undue inference and coercion with the accused Karanbir Singh and Charan Singh. No other case is pending against us. No proclamation proceedings are pending against any accused. I have no objection if FIR may kindly be quashed against the accused.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.3 dated 19.01.2016 under Sections 336, 427 IPC and 25/27/54/59 of Arms Act, registered at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 29.08.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.