

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

**CRM No.M-36358 of 2015 (O&M)
Date of decision:15.03.2016**

Gurnam Singh @ Guma

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Ferry Sofat, Advocate for
Ms. Amrita Singh, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Mr. Hitesh Ghai, Advocate for
Mr. Salim Ahmed, Advocate for respondent Nos.2 & 3.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.65 dated 26.07.2015, under Sections 307/324 IPC, registered at Police Station Kiratpur Sahib, District Roopnagar on the basis of compromise.

Since the quashing was sought on the basis of compromise, this Court while issuing notice of motion on 21.10.2015 had directed the parties to appear before the Illaqa Magistrate concerned for recording of their statements and a report as regards veracity of the compromise was called for.

Placed on record is a report dated 19.11.2015 of the learned Additional District and Sessions Judge, Rupnagar and a perusal thereof would reveal that the statements of complainant Ibrahim Bharti i.e. father of the injured Younus Mohammad and the accused i.e. the present petitioner Gurnam Singh @ Guma have been recorded separately and it has been opined that the compromise has been entered into between the parties voluntarily and without any pressure, coercion and undue influence.

Even counsel appearing for the complainant states that a compromise has been effected between the parties.

Counsel appearing for the petitioner has argued that the alleged occurrence took place on 25.07.2015 and even though injured Younus has suffered a knife blow on his back and which had attracted offence under Section 307 IPC, yet he was discharged from hospital on 01.08.2015.

It has also been argued that in the light of the guidelines furnished by the Hon'ble Supreme Court of India in ***Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482***, the compromise was entered into on 13.10.2015 i.e. at the stage where even though challan had been presented but charges had not been framed. It is further submitted that even as per version of the complainant, there is no motive attributed and it is not a case of any pre-planned attack. Rather the occurrence is stated to be on the spur of the moment and in the heat of anger.

In view of the above, this Court is of the considered view that the compromise between the parties even in relation to an offence under Section 307 IPC in the given fact situation can be taken cognizance of. In the facts of the present case, continuation of criminal prosecution in the light of impugned FIR would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.65 dated 26.07.2015, under Sections 307/324 IPC, registered at Police Station Kiratpur Sahib, District Roopnagar and all proceedings emanating therefrom qua the present petitioner are quashed and set aside.

Petition stands disposed of.

15.03.2016

(TEJINDER SINGH DHINDSA)
JUDGE