

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

**Criminal Misc. No. M-11726 of 2017
Date of Decision:-17.08.2017**

Manpreet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Anjum Ahmed, Advocate
Mr. Lalit Sharma, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr.B.D. Sharma , Advocate
for respondent Nos.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of Cross Case No.5 dated 23.5.2015, under Sections 452, 323, 506, 148 and 149 IPC (Annexure P-2) in case FIR No.72 dated 22.5.2015, under Sections 307, 148, 149 IPC and Section 25/27/54/59 of the Arms Act, registered at Police Station B-Division, Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 27.2.2017 (Annexure P-2).

Learned counsel for the petitioners states that present is a case

of no injury and is a case of version and cross-version. The matter has been compromised between the parties.

Vide order dated 6.4.2017, 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 6.4.2017, the parties have appeared before the learned Magistrate on 24.4.2017 for getting their statements recorded.

The report dated 29.4.2017 received from the learned Judicial Magistrate 1st Class, Amritsar, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Gurdial Singh before the JMIC, Amritsar, on 24.4.2017 reads as under :-

“Stated that I got registered a case in shape of Rapat/DDR No.5 dated 23.5.2015 in the cross case FIR bearing No.72 dated 22.5.2015, under Sections 307, 148, 149 IPC, Section 25/27-54-59 Arms Act, P.S. B-Division Amritsar against accused namely Manpreet Singh, Rashpal Singh, Dilbag Singh, Kaka, Charanjit Singh alias Rana, Lakhwinder Singh alias Soni, Baghel Singh and Saba. Now, I have entered into compromise with the above said accused without any undue influence, pressure and the said compromise is genuine one. I have no objection if present FIR/DDR is quashed or cancelled against accused on the basis of compromise. The original of said compromise is filed before the Hon'ble

Punjab and Haryana High Court.”

Injured Gurlal Singh has also recorded his statement on 24.4.2017 before the learned JMIC, Amritsar, which reads as under :-

“Stated that Gurdial Singh got registered a case in shape of Rapat/DDR No.5 dated 23.5.2015 in the cross case FIR bearing No.72 dated 22.5.2015, under Sections 307, 148, 149 IPC, Section 25/27-54-59 Arms Act, P.S. B-Division Amritsar against accused namely Manpreet Singh, Rashpal Singh, Dilbag Singh, Kaka, Charanjit Singh alias Rana, Lakhwinder Singh alias Soni, Baghel Singh and Saba. Now, I have entered into compromise with the above said accused without any undue influence, pressure and the said compromise is genuine one. I have no objection if present FIR/DDR is quashed or cancelled against accused on the basis of compromise. The original of said compromise is filed before the Hon'ble Punjab and Haryana High Court.”

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel also 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 DDR 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 Cross Case No.5 dated 23.5.2015, under Sections 452, 323, 506, 148 and 149 IPC (Annexure P-2) in case FIR No.72 dated 22.5.2015, under Sections 307, 148, 149 IPC and Section 25/27/54/59 of the Arms Act, registered at Police Station B-Division, Amritsar and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

August 17, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No