

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

**Criminal Misc. No. M-11756 of 2017
Date of Decision:-17.08.2017**

Sukhraj Singh @ Shelly and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. B.D. Sharma, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG Punjab.

Mr. Anjum Ahmed, Advocate for
Mr. Lalit Sharma, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of 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 as the fired shot has not injured anybody. Even otherwise, the

police has prepared a cancellation report and submitted before the Court, which has not been accepted by the learned Magistrate despite the fact that the injured Manpreet Singh has stated that he does not want to proceed further in the matter. The trial Court has not accepted the cancellation as the offence mentioned in the FIR is non-compoundable.

Vide order dated 6.4.2017 this Court while recording the contention of learned counsel for the petitioners that present is a case of no injury and the investigation has culminated in filing of cancellation report, which though was not accepted and further investigation was directed, had directed the parties to appear before the Illaqa Magistrate 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 Manpreet Singh before the JMJC, Amritsar, on 24.4.2017 reads as under :-

“Stated that I got registered a case in shape of 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 Aman Bedi, Raman Rajput, Sukhraj Singh alias Shalli, Gurlal Singh, Dilraj

Singh, Harpinder Singh alias Gill, Gurdial Singh and Ajaib Singh. 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 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 No.2 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 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 (Cr.) 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.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