

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15440 of 2017
Date of decision: 19.07.2017

Inderjeet Singh

.... Petitioner

versus

State of Punjab & anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Sourabh Arora, Advocate
for the complainant.

Hari Pal Verma, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.238 dated 15.10.2011 registered under Sections 307, 324, 323, 341, 506, 148, 149 and 120-B IPC and Sections 25 of Arms Act in which challan was presented under Sections 326, 325, 324, 323, 341, 506, 148, 149, 120-B IPC at Police Station City Nakodar, District Jalandhar (Annexure P-1) and the order dated 01.12.2014 passed by learned SDJM, Nakodar, whereby the petitioner has been declared as Proclaimed Offender, on the basis of compromise (Annexure P-3 & P-4).

This Court vide order 04.05.2017 had directed the parties to appear before the Trial Court to get their statements recorded with regard to compromise and learned Trial Court was directed to submit its report

regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. Learned Magistrate has forwarded his report dated 15.05.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Tara Singh, complainant, which is accompanied with the report, reads as under:-

“Statement of Tara Singh son of Bawa Singh, aged about 54 years, resident of village Gill, Tehsil Nakodar, Distt. Jalandhar

(ON S.A).

I have come present as directed by Hon'ble Punjab and Haryana High Court vide order dated 04.05.2017 in CRM-M-15440-2017 to get my statement recorded in FIR 238 of 15.10.2011, u/s 307, 326, 324, 323, 341, 506, 148, 149, 120-B of IPC and Section 25 of Arms Act at Police Station Nakodar, District Jalandhar was registered on my complaint against Inderjit Singh and others.

The trial against other accused stands already concluded and they were acquitted and Inderjit Singh was proclaimed offender at that time. With the intervention of respectable of locality and family members, I have compromised my dispute with Inderjit Singh and do not want to continue with trial against him. I am making this statement voluntarily without any pressure. I have no objection if the FIR be quashed.

Apart from this case, no other case is pending between me and Inderjit Singh.

RO & AC	Sd/-
Sd/-	(Rajesh Ahluwalia)
Sd/- (Adv)	Sub Divisional Judicial Magistrate
	Nakodar/15.05.2017.”

Learned counsel for the respondent no.2/complainant as well as learned State counsel, have not disputed the factum of the compromise between the parties.

Initially the FIR was registered under Section 307, however, after investigation, Challan was presented only under Sections 326, 325, 324, 323, 341, 506, 148, 149, 120-B IPC. Therefore, this Court finds that there is no impediment to quash the FIR on the basis of compromise, as offence under Section 307 IPC is no more attracted.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.238 dated 15.10.2011 registered under Sections 307, 324, 323, 341, 506, 148, 149 and 120-B IPC and Sections 25 of Arms Act in which challan is presented under Sections 326, 325, 324, 323, 341, 506, 148, 149, 120-B IPC at Police Station City Nakodar, District Jalandhar (Annexure P-1) alongwith order

dated 01.12.2014 passed by learned SDJM, Nakodar, declared the petitioner is proclaimed offender, is quashed *qua* the petitioner, in view of compromise (Annexure P-3 & P-4).

(HARI PAL VERMA)
JUDGE

19.07.2017
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| 1. Whether speaking/non-speaking? | Yes |
| 2. Whether reportable? | Yes/No |