

245.

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

CRM-M-19706-2017

Date of decision:07.09.2017.

GURBHINDER SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. V.K. Sandhir, Advocate,
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

None 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.0003 dated 02.01.2017 under Sections 336/452/427/148/149 IPC read with Section 25 of Arms Act, 1959, registered at Police Station Raja Sansi, Amritsar Rural, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.03.2017 (Annexure P-2).

This Court vide order dated 30.05.2017 had directed the parties to appear before the Illaqa 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, Ajnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.06.2017 to the effect that the compromise has been effected between the parties without any threat, coercion or undue influence and the same is genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jagjit Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 07.06.2017. The same is reproduced as under:-

“Stated that on my statement FIR no.03 dated 02.01.2017, Under Sections 336, 452, 427, 148, 149 IPC read with Section 25 Arms Act P.S. Rajasansi was registered against the accused Gurbhinder Singh S/o Sahib Singh, Harwinder Singh S/o Sahib Singh, Sahib Singh S/o Shingara Singh and Suhel Singh S/o Shingara Singh all resident of village Chak Mishri Khan, Sub Tehsil Lopoke, Tehsil Ajnala, District Amritsar. The compromise has been effected between me and the accused persons with the intervention of the respectables and relatives which was effected on dated 06.03.2017 i.e. Ex.P1/A and also my affidavit dated 06.03.2017 i.e. Ex.P1/B (original seen and returned) and now I have no objection if the above said FIR being quashed. My compromise is genuine and voluntarily one and without any pressure. None of the accused have ever been declared proclaimed offenders in the above said cases. Photocopy of my aadhar card is attached as Ex.P1. (Original seen and returned).”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to

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.0003 dated 02.01.2017 under Sections 336/452/427/148/149 IPC read with Section 25 of Arms Act, 1959, registered at Police Station Raja Sansi, Amritsar Rural, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

07.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No