

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-23516 of 2017

Date of Decision: 12.9.2017

Jaspal Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 82 dated 24.11.2015 under Section 447, 511, 427, 506, 336, 148, 149 IPC and Section 25, 27 of the Arms Act, registered at Police Station Sadar Gurdaspur, (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

Mr. G.S.Rawat, Advocate, has put in appearance on behalf of respondent No. 2 and filed power of attorney, which is taken on record.

This Court vide order dated July 06, 2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate Ist Class, Gurdaspur and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 19.8.2017 to the effect that the compromise arrived at between the parties is free from undue pressure and undue influences and is genuine and voluntary in nature.

Respondent No. 2-complainant, namely, Mukhtiar Singh has made statement with regard to compromise before learned Magistrate on 14.8.2017. The same is reproduced as under:-:-

“Stated that I have compromised with accused party Jaspal Singh son of Gurmej Singh resident of village Amipur, Dilbagh Singh son of Gurmej Singh resident of Amipur, Inderpal Singh son of Sukhchain Singh resident of village Balgan, Parminderjit Singh son of Baldev Singh resident of village Kotkhana, Ranbir Singh son of Satnam Singh resident of village Bahngwan, Gurdit Singh son of Ajit Singh resident of village Urgu Khera and Satnam Singh son of Karam Singh resident of village Roor Khera Tehsil and District Gurdaspur. They have filed petition under section 482 Cr.P.C. before Hon'ble High Court for quashing of present FIR. I have no objection if the present FIR quashed against the above said persons. The compromise between us was effected without any pressure or coercion and without any undue influence.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No. 2 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 the F.I.R. No. 82 dated 24.11.2015 under Section 447, 511, 427, 506, 336, 148, 149 IPC and Section 25, 27 of the Arms Act, registered at Police Station Sadar Gurdaspur, (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

September 12, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No