

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

249

**CRM-M-25265-2016 (O&M).
Date of Decision: 02.12.2017.**

Harbans Singh and others

....Petitioners.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Nakul Sharma, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, Assistant Advocate General,
Punjab.

Mr. Anupinder Singh, Advocate, for
Ms. Anju Bansal, Advocate for respondents No.2 and 3.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure, prayer has been made for quashing F.I.R. No.55 dated 25.04.2009 registered under Sections 307, 506, 427, 148, 149 of the Indian Penal Code and Section 25/27 of the Arms Act, at Police Station Mallanwala, District Ferozepur, on the basis of compromise dated 23.12.2009 (Annexure-P3).

Vide order dated 27.03.2017 passed by a co-ordinate Bench of this Court, the parties were directed to appear before the trial Court/Illaq Magistrate on 07.04.2017 for recording their statements qua compromise with a direction to the trial Court/Illaq Magistrate to furnish a report regarding veracity thereof, if any, between the parties.

Consequently, the parties had appeared before the Judicial Magistrate Ist Class, Ferozepur and got recorded their statements. Report from the concerned Magistrate has been received vide letter No.87 dated 12.04.2017 duly forwarded by learned District and Sessions Judge, Ferozepur vide letter No.4193/CB dated 20.04.2017.

According to the report of Judicial Magistrate Ist Class, Ferozepur, the compromise between the parties is genuine and valid one which has been ex-facie entered into by the parties with their free will and volition and without any inducement, threat or coercion.

Learned counsel for both the parties submit that in the instant case offence under Section 307 IPC is not made out from any angle because police, after due investigation, had filed the cancellation report, but it was not accepted by the trial Court and during re-investigation the compromise took place between the parties.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, the present petition is accepted and the aforesaid F.I.R. No.55, is quashed qua the petitioners, subject to depositing costs of ₹10,000/- by the petitioners with the Punjab Legal Services Authority, Chandigarh within one week.

The Registry is directed to report whether the cost is deposited by the petitioners or not.

(RAMENDRA JAIN)
JUDGE

02.12.2017
jitender sharma

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No