

244.

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

CRM-M-24611-2017

Date of decision:01.11.2017

CHARANJIT SHARMA AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Ms. Kuldeep Kaur, Advocate, for
Mr. Parminder Singh Kanwar, Advocate,
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.57 dated 20.06.2012 under Sections 307/ 324/ 323/452/380/506/427/148/149 IPC and Section 27 of Arms Act, registered at Police Station Khalra, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2013 (Annexure P-4).

This Court vide order dated 13.07.2017 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 Judicial Magistrate Ist Class, Patti and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 11.10.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and out of free will of the parties.

Respondent No.2-complainant, namely, Dinesh Kumar has made his statement with regard to compromise before learned Magistrate on 11.10.2017. The same is reproduced as under:-

“Stated that FIR No.57 dated 20.06.2012, U/S: 307, 324, 323, 452, 380, 506, 427, 148, 149 IPC and 27 of Arms Act, Police Station Khalra was registered against accused/petitioner No.1 Charanjit Sharma son of Ram Lal, accused/petitioner No.2 Navdeep Sharma son of Charanjit Sharma, accused/petitioner No.3 Raghu Sharma son of Charanjit Sharma, accused/petitioner No.4 Kamlesh Rani wife of Charanjit Sharma, all residents of Village Bhikhiwind, Tehsil Patti, District Tarn Taran, accused/petition No.5 Jagdeep Singh son of Gursewak Singh resident of village Dhun, Police Station Khalra, Tehsil Patti, District Tarn Taran, accused/petitioner No.6 Punjab Singh son of Amarjit Singh resident of village Sadhra, Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran, accused/petitioner No.7 Avtar Singh son of Gajan Singh resident of village Sidhwan, Police Station Khalra, Tehsil Patti, District Tarn Taran, accused/ petitioner No.8 Jassa Singh son of Fauja Singh resident of Village Gillipan, Police Station Khalra, Tehsil Patti, District Tarn Taran, accused/petitioner No.9 Ranjit Singh alias Kala son of Dessa Singh resident of Village Theh Kalla, Police Station Khalra, Tehsil Patti, District Tarn Taran on my statement. I have compromised with the above said accused persons with the intervention of respectables persons of area regarding this FIR without any coercion and influence from any corner. It is also stated that accused Jassa Singh was earlier residing at village Gillipan at the time of occurrence and he has shifted to village Singhpura thereafter. Now he is residing at village Singhpura. He is present in the Court. I have made this statement with my

sweet and free will. I do not have copy of compromise. Original of same is already attached with petition filed before Hon'ble High Court, Punjab & Haryana, Chandigarh. I have no objection if above said FIR is quashed against all the above named accused, by Hon'ble Punjab & Haryana High Court, Chandigarh.”

On 13.07.2017 when this petition was listed for hearing at the motion stage, learned counsel for the petitioner had pointed out that so far as the offences under Sections 307, 452, 380 and 427 are concerned, these offences had already been deleted. He had further stated that for the remaining offences, the police had already submitted cancellation report, but the same had not been accepted by the learned Magistrate on the ground that the offence under Section 324 IPC is not compoundable.

Learned State counsel does not dispute the fact that the police had prepared a cancellation report and filed in court, but the offence under Section 324 IPC being not compoundable, the same was not accepted by the learned Magistrate.

Learned State counsel and counsel appearing on behalf of respondent No.2-complainant admit the factum of compromise between the parties.

Though the FIR was registered under Sections 307/324/323/452/380/506/427/148/149 IPC and Section 27 of Arms Act, but as the offences under Section 307, 452, 380 and 427 IPC have already been deleted during investigation, hence, there is no impediment to quash the FIR while exercising powers under Section 482 Cr.P.C.

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 F.I.R. No.57 dated 20.06.2012 under Sections 307/ 324/ 323/ 452/ 380/ 506 /427/ 148/149 IPC (Sections 307, 452, 380 and 427 IPC were deleted during investigation) and Section 27 of Arms Act, registered at Police Station Khalra, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.08.2013 (Annexure P-4).

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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