

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

239/1

CRM-M-24936-2017

Date of Decision: 08.11.2017.

Davinder Singh and others

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Manpreet Singh Sidhu, Advocate for the petitioners.

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

Mr. Tejinder Pal Singh Makkar, Advocate for respondent No.2.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure, prayer has been made for quashing cross case registered vide DDR No.33 dated 27.06.2017 under Sections 307, 148 and 149 of the Indian Penal Code (for short, 'IPC') and Section 25/27/54/59 of the Arms Act (for short, 'the Act') in F.I.R. No.72 dated 27.06.2017 under Sections 307, 336, 427, 148 and 149 IPC read with Section 25/27 of the Act, pertaining to Police Station Mamdot, District Ferozepur, on the basis of compromise dated 04.07.2017 (Annexure-P3).

Vide order dated 28.09.2017 passed by this Court, the parties were directed to appear before the trial Court/ Illaqa Magistrate for recording their statements with a direction to the trial Court/Illaqa Magistrate to furnish a report qua veracity thereof, if any, between the

parties.

Consequently, the parties had appeared before the Judicial Magistrate Ist Class, Ferozepur on 10.10.2017 and got recorded their statements. Report from the concerned Magistrate has been received vide letter bearing No.472 dated 16.10.2017 duly forwarded by learned District and Sessions Judge, Ferozepur vide letter No.10090/CB dated 18.10.2017.

According to the report of Judicial Magistrate Ist Class, Ferozepur, the compromise appears to be genuine and valid which ex-facie has been entered into between the parties with their free volition, without any threat or pressure.

Learned counsel for the parties submitted that there is a cross version against each other. None of the injuries, allegedly caused or suffered by the complainant side or the accused side, was ever declared 'dangerous to life', therefore, provisions of Section 307 IPC are not attracted. The police has unnecessarily added the offence under Section 307 IPC despite the fact that the fire arm injuries, allegedly suffered/caused to both the sides, were not on vital parts.

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 DDR No.33 in F.I.R. No.72, is quashed qua the petitioners.

(RAMENDRA JAIN)
JUDGE

08.11.2017
jitender sharma

Whether speaking/ reasoned Yes/ No

Whether Reportable Yes/ No