

252.

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

CRM-M-26170-2017

Date of decision:12.12.2017.

LOVEPREET SINGH @ LOVE AND ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Mr. Amit Sharma, 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.79 dated 14.03.2016 under Sections 452, 323, 336, 427, 506, 148, 149 IPC and Sections 25, 27 of Arms Act, registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2017 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2, is taken on record.

This Court vide order dated 24.07.2017 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 Chief Judicial Magistrate, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.09.2017 to the effect that the compromise has been effected between the parties without any pressure and the same seems to be genuine.

Respondent No.2-complainant, namely, Kamal Arora has made his statement with regard to compromise before learned Magistrate on 21.08.2017. The same is reproduced as under:-

“Stated that I have got registered the FIR No.79 dated 14.03.2016, U/s 452/323/336/427/506/148/149 of IPC and 25/27 of Arms Act, Police Station-Civil Lines, Amritsar, against the accused namely Lovepreet Singh @ Love, aged 25 years, son of Sh. Sawinder Singh, R/o H.No.923, Fairland Colony, Amritsar, Deepak @ Nona, aged 26 years, son of Sh. Shashi Pal, R/o H. No.863, Mandeep Singh @ Mappi, aged 23 years, son of Sh. Baljit Singh, R/o H.No.825, Harpreet Singh @ Kaka aged 26 years, son of Sh. Surjit Singh, R/o 962, Lakhwinder Singh @ Lucky, aged 25 years, son of Sh. Jagjit Singh, R/o H.No.823 and Yusuf @ Yusi aged 18 years, son of Sh. James, R/o H.No.958, all residents of Baba Lal Ji Mandir Wali Gali, Sanjay Gandhi Colony, New Abadi, Amritsar. Now, with the intervention of respectable I have arrived at the compromise with the accused persons out of my free will and willful consent and there is no pressure or coercion upon me. I have no objection if FIR No.79/2016, U/s 452/ 323/ 336/ 427/ 506/148/149 of IPC and 25/27 of Arms Act, Police Station-Civil Lines, Amritsar, registered against the aforesaid accused be quashed. The compromise has been effected voluntarily without any pressure or coercion and threat.”

Learned State counsel as well as learned counsel for 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 F.I.R. No.79 dated 14.03.2016 under Sections 452, 323, 336, 427, 506, 148, 149 IPC and Sections 25, 27 of Arms Act, registered at Police Station Civil Lines, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.12.2017
sanjeev

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