

Sr. No.245

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-35795 of 2016 (O&M)

Date of Decision:30.01.2017

Manjit Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. H.S.Batth, Advocate,
for the petitioners.

Mr. Varun Sharma, DAG, Punjab.

Mr. J.S.Dhaliwal, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.05 dated 19.01.2014, under Sections 307, 336, 506, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Chohla Sahib District Tarn Taran.

Since quashing was sought on the basis of compromise, parties had been directed to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise was called for.

Placed on record is a report of the Chief Judicial Magistrate, Tarn Taran dated 10.01.2017 and a perusal of the same would reveal that the statements of the accused party i.e. petitioners herein as also the

opined that the compromise/settlement has been arrived at without any pressure or coercion.

Mr. J.S. Dhaliwal, Advocate has put in appearance on behalf of respondent No.2 and also suffers a statement that in the light of compromise, he would have no objection to the quashing of the FIR.

It may be noticed that even though offence under Section 307 IPC had been cited yet it is a case of no injury. Mr. H.S. Batth, learned counsel appearing for the petitioners has also placed reliance upon a judgment of the Hon'ble Supreme Court in case *Narinder Singh and others Vs. State of Punjab and another 2014 (2) RCR (Criminal) 482* to contend that the compromise has been effected during the course of investigation itself and as such it is a fit case for this Court to recognize settlement arrived at and to bring to an end the criminal prosecution.

Learned State counsel upon instructions from ASI Lakhwinder Singh apprises the Court that the allegations have been found to be false and even a cancellation report has been prepared, yet though not filed.

In the totality of the circumstances, this Court is of the considered view that it is a fit case for exercise of power under Section 482 Cr.P.C. to quash the impugned FIR on the basis of compromise. Continuation of criminal prosecution would be construed as an abuse of the process of law as also of the Court.

In the light of facts and circumstances noticed hereinabove and for the reasons recorded above, present petition is allowed. FIR No.05 dated 19.01.2014, under Sections 307, 336, 506, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Chohla Sahib District Tarn Taran and all proceedings emanating therefrom stand quashed

qua the present petitioners.

Petition is allowed in the aforesaid terms.

30.01.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes