

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

**CRM-M-36288-2016
Date of Decision: 21.11.2017**

Kaka Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amandeep Sibia, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Mr. R.V.S. Chugh, Advocate,
for respondent No.2.

SUDIP AHLUWALIA J. (ORAL)

In this petition, the petitioners, who are the accused persons in F.I.R No.42, dated 05.09.2009, under Sections 307, 450 148 & 149 of the Indian Penal Code (in short 'IPC') and Sections 25/27 of the Arms Act, registered at Police Station Jaurkian, District Mansa (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Sub Divisional Judicial Magistrate, Sardulgarh, vide report dated 17.11.2016, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. It may be further mentioned that

originally offences under Sections 25/27 of the Arms Act as well as Section 307 of the IPC were alleged in the FIR. But in the reply filed on behalf of the State dated 13.12.2016, it has been specifically mentioned in Paragraph No.1 itself that on investigation no evidence of gun shot was found at the spot of incident as alleged in the FIR, nor any such incident in the manner alleged in the FIR took place. For this reason, the aforesaid offences under the Arms Act as also under Section 307 of the IPC would appear to be inapplicable in the present case.

[3]. Respondent No. 2 is represented by his counsel.

[4]. In view of the report of the Sub Divisional Judicial Magistrate, Sardulgarh, and in view of the decisions of the Hon'ble Supreme Court in **“Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543** and **“Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/accused persons.

[5]. In the circumstances, the present petition is allowed. F.I.R No.42, dated 05.09.2009, under Sections 307, 450 148 & 149 of the IPC and Sections 25/27 of the Arms Act, registered at Police Station Jaurkian, District Mansa (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed qua the present petitioners.

21.11.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No