

281-12

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.37469 of 2016
Date of Decision: 05.12.2017

Balwinder Singh @ Balvinder Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Gagandeep Kaur, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior D.A.G., Punjab,
for respondent No.1.

Ms. Vaishali Singla , Advocate,
for respondents No. 2 and 3.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in the cross case vide D.D.R. No.21, dated 09.09.2016, registered on 10.09.2016, under Sections 324, 323, 506, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act, 1959, at Police Station Dayalpura, District Bathinda, (Annexure P-2), in case F.I.R. No. 132, dated 09.09.2016, under Sections 341, 323, 342, 506, 148 and 149 of the Indian Penal Code, Section 27 of the Arms Act, 1959, and Sections 3 and 4 of the S.C. and S.T. (Prevention of

Atrocities) Act, 1989, registered at Police Station Dayalpura, District Bathinda, (Annexure P-1), have prayed for quashing of D.D.R. with all subsequent proceedings on the basis of compromise.

[2]. With the intervention of respectables and elderly people of the society, the complainant has arrived at a settlement with the accused vide Panchayati Compromise (Annexure P-3), 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 Judicial Magistrate Ist Class, Phul, vide report dated 25.04.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondents No. 2 and 3 are represented by their counsel. The F.I.R. itself goes to indicate that the weapon brandished by the accused was his licensed revolver and that no gun shot was actually fired.

[4]. In view of the report of the Judicial Magistrate Ist Class, Phul, and in view of the decision 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. Cross case vide D.D.R. No.21, dated 09.09.2016, registered on 10.09.2016, under Sections 324, 323, 506, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act, 1959, at Police Station Dayalpura, District Bathinda,

(Annexure P-2), in case F.I.R. No. 132, dated 09.09.2016, under Sections 341, 323, 342, 506, 148 and 149 of the Indian Penal Code, Section 27 of the Arms Act, 1959, and Sections 3 and 4 of the S.C. and S.T. (Prevention of Atrocities) Act, 1989, registered at Police Station Dayalpura, District Bathinda, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

05.12.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

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