

CRM No. M-37891 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-37891 of 2017
Date of Decision : 10.11.2017

Harbans Singh and others

...Petitioners

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Sandeep Virmani, Addl. Advocate General, Punjab.

Mr. Surinder Sharma, Advocate
for respondents No. 2 and 3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioners are seeking quashing of FIR No. 86 dated 21.09.2017, under Sections 353, 186, 336, 447, 511, 506, 147, 149 IPC, Sections 25, 27 of the Arms Act and Sections 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bassi Pathana, Tehsil Bassi Pathana, District Fatehgarh Sahib, on the basis of compromise dated 25.09.2017 (Annexure-2) arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is outcome of a minor altercation between the parties in which no injury was caused to anyone. He further contends that the allegations in the FIR do not, prima-facie, constitute an offence under the SC/ST Act. He also contends that offence under Sections 25, 27 of the Arms Act has been mentioned in the FIR as it is alleged that a rifle shot was fired in the air from the licensed rifle of

petitioner No. 6. The parties have now compromised the matter.

This Court vide order dated 09.10.2017 had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the genuineness of compromise. The report of Chief Judicial Magistrate, Fatehgarh Sahib, dated 30.10.2017 has been received, wherein it is stated that in pursuance to the order of this Court, the statements of the parties were recorded, which indicates that they have entered into compromise voluntarily and without any pressure or coercion.

The FIR is outcome of a minor altercation between the parties, in which no injury was caused to anyone. The matter has been compromised and the parties want to live in peace and harmony.

In view of the law laid down in "*Narinder Singh Vs. State of Punjab*" 2014 (6) SCC 466, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No. 86 dated 21.09.2017, under Sections 353, 186, 336, 447, 511, 506, 147, 149 IPC, Sections 25, 27 of the Arms Act and Sections 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bassi Pathana, Tehsil Bassi Pathana, District Fatehgarh Sahib and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

(ANUPINDER SINGH GREWAL)
JUDGE

November 10, 2017
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Whether speaking/reasoned?	Yes
Whether reportable?	No