

244.

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

CRM-M-400-2017

Date of decision:12.07.2017

NARESH KUMAR & ORS

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

None 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.77 dated 22.07.2016 under Sections 341, 336, 506, 148, 149 IPC and 25, 27 of Arms Act, registered at Police Station Mamdot, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.12.2016 (Annexure P-2).

This Court vide order dated 12.01.2017 had directed the parties to appear before the Illaqa Magistrate 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 Judicial Magistrate Ist Class, Ferozepur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.02.2017 to the effect that the compromise appears to be genuine and valid one which has ex-facie been entered into by the parties with their free volition, without any inducement or threat.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Inderpal but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 30.01.2017. The same is reproduced as under:-

“Stated that FIR No.77 dated 22.07.2016, under section 341/336/506/148/149 IPC and 25/27 Arms Act, was registered at P.S. Mamdot against Naresh Kumar son of Harmesh Kumar, Jagtar Singh son of Harmesh Kumar, Harmesh @ Ramesh Kumar son of Banarsi Dass, Rakesh Kumar son of Banarsi Dass, Ravinder Kumar son of Banarsi Dass, Pardeep Kumar @ Rajan son of Ravinder Kumar, Banarsi Dass son of Milkhi Ram, Rajinder Kumar son of Banarsi Dass and Jasbir Dhawan son of Sham Sunder, all residents of village Betu Qudim, P.S. Mamdot, Tehsil and District Ferozepur, on my statement. Now I have settled the matter with accused persons with the help of panchayat. In this regard, panchayatnama was also written, duly signed by the panchayat members. Photocopies of the same is also attached herewith. I do not want to proceed with the present case. In view of the compromise, accused persons approached the Hon'ble High Court for quashing the above said FIR. This compromise is without any threat/pressure etc. It is requested that the proceedings of the present case be disposed of in view of the compromise. I have no objection if the above said FIR, be quashed.”

Learned State counsel has not disputed the factum of compromise between the parties. He, on instructions from ASI Amar Singh, has submitted that even the police has investigated the matter and has found that the allegations against the petitioners are not substantiated and, therefore, submitted a cancellation report to the higher authorities, and the approval thereof is awaited.

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.77 dated 22.07.2016 under Sections 341, 336, 506, 148, 149 IPC and 25, 27 of Arms Act, registered at Police Station Mamdot, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.12.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.07.2017
sanjeev

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