

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

284

CRM-M-42420 of 2016

Date of Decision: May 30, 2017

Sarabjit Singh @ Sabba and others

....Petitioners

vs.

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Prashant Vashisth, Advocate
for the complainant/respondent No.2.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been preferred under Section 482 Cr.P.C. seeking quashing of FIR No.68 dated 05.12.2015, under Sections 307, 506, 148, 149 of Indian Penal Code and Sections 25/27 of Arms Act, registered at Police Station Sarai Amanant Khan, District Tarn Taran.

Since quashing of the impugned FIR was sought on the basis of compromise, the parties have been directed to appear before the Illaqa Magistrate concerned for recording of the statements and a veracity report had been called for.

Placed on record is a report dated 30.01.2017 of the learned Chief Judicial Magistrate, Tarn Taran and a perusal of the same would reveal that the statements of the complainant-Dilbagh Singh/respondent No.2 herein as also of the accused

party/petitioners herein, have been duly recorded and it has been opined that the compromise has been effected voluntarily and without any pressure or coercion.

Learned counsel appearing for the petitioners would submit that even though offence under Section 307 IPC was cited, yet it is a case of no injury. Further submitted that the compromise has been effected during the course of investigation itself and as such the instant petition seeking quashing of the FIR in the light of compromise would be maintainable even as per parameters/guidelines laid down by the Apex Court in the case of ***Narinder Singh and others Vs. State of Punjab and another, 2014 (2) RCR (Criminal) 482.***

Mr. Prashant Vashisth, Advocate, has put in appearance on behalf of the complainant/respondent No.2 and makes a statement at the bar that he would have no objection to the quashing of the FIR in view of the compromise that has been thrashed out.

This Court in appropriate case can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a Full Bench decision of this Court in ***Kulwinder Singh and others Vs. State of Punjab & others, 2007 (3) RCR (Criminal) 1052.***

Adverting back to the facts of the present case, the parties have settled the dispute with the intervention of the respectables. It would be a fit case for this Court to intervene in exercise of its powers under Section 482 Cr.P.C. and to bring to an end of criminal proceedings launched on account of registration of the impugned FIR. Continuation of criminal proceedings under such circumstances would be a futile exercise and would be construed as an abuse of the process of

law as also of the Court.

For the reasons recorded above, FIR No.68 dated 05.12.2015, under Sections 307, 506, 48, 149 of Indian Penal Code and Sections 25/27 of Arms Act, registered at Police Station Sarai Amanant Khan, District Tarn Taran and all other proceedings emanating therefrom are set aside.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

30.05.2017

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No