

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43705-2016
Decided on: 20.09.2017

Jugraj Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Brar, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Hari Pal Verma, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.159 dated 17.10.2015 under Sections 307 & 34 of IPC and Sections 25/27 of Arms Act, 1959, registered at Police Station Dehlon, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 17.11.2016 (Annexure P-2).

On 03.08.2017, it has been contended by learned counsel for the petitioner that though the FIR has been registered for an offence under Section 307 of IPC, but respondent No.2-Gurwinder Singh, i.e. injured complainant has given an affidavit dated 17.11.2016 (Annexure P-2) that petitioner Jugraj Singh has no role whatsoever, either direct or indirect, in the attack on his person and his name was mentioned by him on the basis of doubt. The complainant has no grudge whatsoever against the petitioner.

Noticing the aforesaid fact, the parties were directed to get their statement recorded in view of the compromise so entered between them.

Accordingly, the parties have appeared before the trial Court and got their

statements recorded.

Learned State counsel, on instructions, from HC Gurdeep Singh, submits that respondent No.2 injured Gurwinder Singh, though has remained in hospital for 3 days, but during the course of investigation, the police has found the petitioner innocent and accordingly, untrace report has been submitted against him.

In terms of the order dated 03.08.2017 passed by this Court, the learned Judicial Magistrate 1st Class, Ludhiana has forwarded his report dated 11.09.2017 which is based on the statement of respondent No.2-complainant Gurwinder Singh. The same is reproduced as under:-

“Stated that FIR No.159 dated 17.10.2015, U/s 307, 34 IPC and Section 25/27/54/59 of Arms Act, P.S. Dehlon, Ludhiana was registered on the basis of my statement. Earlier, at the time of incidence, I was under impression that the accused Jugraj Singh, might have link with the present incident as mentioned in the FIR and I was attacked at the instance of Jugraj Singh, but later on I came to know from all my reliable sources that in the present incidence Jugraj Singh, is having no link or concern. Hence, I have compromised the matter with the accused person namely Jugraj Singh son of Avtar Singh, resident of village Goslan, PS Malaud, Distt. Ludhiana, Punjab, with my free consent and voluntarily. I have no objection if the above captioned FIR is quashed against the accused person Jugraj Singh son of Avtar Singh, resident of village Goslan, PS Malaud, Distt. Ludhiana, Punjab, present in the court today. FIR No.159 dated 17.10.2015, U/s 307, 34 IPC and Section 25/27/54/59 of Arms Act, P.S Dehlon, Ludhiana, was registered against only the above name person. I have placed copy of my driving license as my identity proof, the same is Ex. A1. No accused has been declared P.O in present case. I identify all the accused present in the Court.”

Learned counsel for the parties in considering the fact that apart from the fact that the complainant had submitted an affidavit dated 17.11.2016 (Annexure P-2) that the petitioner has no role whatsoever either direct or indirect, in the attack on his person and his name was mentioned

by him on the basis of doubt, the complainant has no grudge whatsoever against the petitioner and he made his statement to this effect before the learned Magistrate on 28.08.2017.

After perusing the report, affidavit and statements as referred above, this Court finds that no useful purpose would be served by continuing the proceedings in the present FIR.

Accordingly, following 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* as well as *Narinder Singh and others vs. State of Punjab and another 2014(2) RCR (Criminal) 482*, this petition is allowed and F.I.R. No.159 dated 17.10.2015 under Sections 307 & 34 of IPC and Sections 25/27 of Arms Act, 1959 registered at Police Station Dehlon, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 17.11.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.09.2017
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No