

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

263

CRM-M-45417-2016.

Date of Decision: 25.10.2017.

Ashok Kumar and others

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Dhawaljeet Dutta, Advocate, for the petitioners.

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Ms. Amandeep Kaur, Advocate, for
Mr. Ajay Pal Singh Gill, Advocate for respondent No.2.

Ramendra Jain, J.(Oral)

Through this petition under Section 482 of the Code of Criminal Procedure, prayer has been made for quashing F.I.R. No.266 dated 27.10.2016 registered under Sections 307, 452, 427, 34 of the Indian Penal Code and Section 25 of the Arms Act, at Police Station Chhehrata, District Amritsar, on the basis of compromise dated 29.11.2016 (Annexure-P2).

Vide order dated 28.08.2017 passed by this Court, parties were directed to appear before the trial Court/Illaq Magistrate, to get their statements recorded for compromise with a direction to the trial Court to furnish a report alongwith the recorded statements qua veracity of the compromise, if any, between the parties.

Consequently, the parties had appeared before the Judicial

statements for compromise and report from the concerned Magistrate has also been received vide letter bearing No.197 dated 15.09.2017 duly forwarded by learned District and Sessions Judge, Amritsar vide Endst. No.8638R dated 15.09.2017.

According to the report of Judicial Magistrate Ist Class, Amritsar, the compromise between the parties is genuine and valid and outcome of free consent of the parties and is without coercion from any quarter.

Perusal of the F.I.R. shows that the offence under Section 307 IPC is not made out because when petitioner No.1 Ashok Kumar tried to fire from his pistol, it did not work. Resultantly, no fire was shot upon the complainant. Even no injury was caused by the accused party to the complainant. According to the allegations in the F.I.R., the accused only broke the furniture and fled away from the spot, on alarm being raised by the complainant.

In view of the totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, the present petition is accepted and the aforesaid F.I.R. No.266, is hereby quashed qua the petitioners only.

(RAMENDRA JAIN)
JUDGE

25.10.2017
jitender sharma

Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No