

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

**Criminal Misc. No. M-46312 of 2016
Date of Decision:-24.07.2017**

Navtej Singh @ Tej

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.01 dated 7.1.2013, under Sections 447, 427, 506, 148, 149 and 120-B IPC and Section 25, 27 of the Arms Act, registered at Police Station Nathana, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 18.5.2015 (Annexure P-1).

Learned counsel for the petitioner states that so far as respondents No.3 to 8 are concerned, they were also accused with the petitioner and the present FIR qua them has already been quashed on the basis of compromise in CRM-M-24549 of 2015.

Vide order dated 23.12.2016, this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 23.12.2016, the parties have appeared before the learned Magistrate on 27.1.2017 for getting their statements recorded.

The report dated 27.1.2017 received from the learned Judicial Magistrate 1st Class, Bathinda through communication dated 3.2.2017, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Jagraj Singh before the JMJC, Bathinda, on 27.1.2017 reads as under :-

“Stated that on my statement case FIR No.01 dated 1.7.2013, under Sections 447, 427, 506, 148, 149, 120-B IPC and Section 25, 27 of Arms Act was registered at Police Station Nathana, against accused persons namely Gurvinder Singh son of Avtar Singh, Tarsem Singh @ Sema son of Jalour Singh, Rashid Nandan son of Habib Nandan, Gurlal Singh @ Lally son of Sadhu Singh, Jagsir Singh @ Seera son of Jaswant Singh, Jagtar Singh alias Avtar Singh @ Tara son of Gurjit Singh @ Surjit Singh and Navtej Singh alias Tej son of Baljit Singh. I have already effected compromise with the above named accused persons namely Gurvinder Singh son of Avtar Singh, Tarsem Singh @ Sema son of Jalour Singh, Rashid Nandan son of Habib Nandan, Gurlal Singh @ Lally son of Sadhu Singh, Jagsir Singh @ Seera son of

Jaswant Singh, Jagtar Singh alias Avtar Singh @ Tara son of Gurjit Singh @ Surjit Singh. I have also effected compromise with accused Navtej Singh alias Tej son of Baljit Singh. All the other accused except accused Navtej Singh alias Tej son of Baljit Singh have already been discharged vide order dated 8.8.2016 as the proceedings against them were dropped by the Hon'ble High Court vide order dated 22.9.2015.

I have also effected compromise with accused Navtej Singh alias Tej son of Baljit Singh vide the above said compromise Ex.CX. I have compromised the matter voluntarily and without any pressure. I have no grudge against the accused Navtej Singh alias Tej son of Baljit Singh. I have no objection if the FIR be also quashed against said accused Navtej Singh alias Tej son of Baljit Singh.”

Learned State counsel does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.)**

1052 (P & H) and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.01 dated 7.1.2013, under Sections 447, 427, 506, 148, 149 and 120-B IPC and Section 25, 27 of the Arms Act, registered at Police Station Nathana, District Bathinda and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

July 24, 2017
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No