

239.

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

CRM-M-8878-2016

Date of decision:23.08.2017.

AKASH KHAN AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

None for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.203 dated 01.09.2013 under Sections 452, 380, 427, 447, 506, 34 IPC and Sections 25/27 of Arms Act, registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.01.2016 (Annexure P-2).

This Court vide order dated 22.05.2017 had directed the parties to appear before the Area 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, Dhuri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.08.2017 to the effect that the compromise has been arrived at between the parties genuinely and is made voluntarily without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Salim Khan, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 29.07.2017.

The same is reproduced as under:-

“That F.I.R. No.203 dated 01.09.2013 under Sections 452/380/427/447/506/34 IPC and section 25 and 27 Arms Act at Police Station Sadar, Dhuri, was got registered by complainant Saleem Khan against accused. The compromise with accused Aaksh Khan and Narpinder Singh has been effected with the intervention of the respectables on 20.01.2016 and the written compromise was attached with the petition filed in the Hon'ble Punjab & Haryana High Court. The compromise is in the best interest of the party and the same has been effected without any pressure or influence. Rather the same is effected with our free will.”

Apart from above, similar statements have been made by respondents No.3 and 4 whereby they have shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties. He states that the petitioners are not the POs.

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.203 dated 01.09.2013 under Sections 452, 380, 427, 447, 506, 34 IPC and Sections 25/27 of Arms Act, registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 20.01.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

23.08.2017

sanjeev

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