

281-13

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.5760 of 2017
Date of Decision: 05.12.2017

Rakesh Kumar and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amandeep Sibia, Advocate, for
Mr. Gagandeep Singh Simble, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior D.A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No. 332, dated 28.07.2016, under Sections 323, 341, 379, 506, 148 and 149 of the Indian Penal Code (offences under Sections 326 and 307 of the Indian Penal Code added later on) and Section 25 of the Arms Act, registered at Police Station Civil Lines, Amritsar, District Amritsar, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

[2]. With the intervention of respectables and elderly people of the

society, the complainant has arrived at a settlement with the accused vide Compromise (Annexure P-3), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Chief Judicial Magistrate, Amritsar, vide report dated 01.04.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondents No. 2 and 3 are not present nor they are represented by their counsel. However, they have made a statement on 02.03.2017, before the Chief Judicial Magistrate, Amritsar, whereby they have admitted the factum of compromise with the accused persons voluntarily and without any pressure or coercion and threat. A perusal of the F.I.R. shows that no fire arm was actually used by way of any shot being fired. On the other hand, the victim was allegedly assaulted with the butt of the revolver. In such circumstances, clearly offence under Section 307 of the Indian Penal Code would not appear to be made out.

[4]. In view of the report of the Chief Judicial Magistrate, Amritsar, and in view of the decision of the Hon'ble Supreme Court in "**Gian Singh Vs. State of Punjab and another**", 2012(4) RCR (Criminal) 543 and "**Narinder Singh and Others Vs. State of Punjab and Another**", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances, the present petition is allowed. F.I.R. No. 332, dated 28.07.2016, under Sections 323, 341, 379, 506, 148 and 149

of the Indian Penal Code (offences under Sections 326 and 307 of the Indian Penal Code added later on) and Section 25 of the Arms Act, registered at Police Station Civil Lines, Amritsar, District Amritsar, (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

05.12.2017

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No