

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

CRM-M-787 of 2017.

Decided on:-12.09.2017.

Gurmail Singh.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Sourabh Arora, Advocate for

Mr. Saurav Khullar, Advocate for respondents No.2 and 3.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.118 dated 12.09.2016 under Sections 283, 447, 431 and 506 IPC as well as Section 27 of the Arms Act, 1959 registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.09.2016 (Annexure P-2).

This Court vide order dated 23.02.2017 had directed the parties to appear before the Area Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioner-accused, namely, Gurmail Singh as well as respondent No.2-complainant Jagir Singh and respondent No.3-Ranjit Singh have appeared before learned Additional Chief

Judicial Magistrate, Kapurthala and got their statements recorded on 17.03.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 11.04.2017 to the effect that the compromise has been effected between the complainants and accused Gurmail Singh and Bahadur Singh. The statements made before the Court appear to be made voluntarily and without any pressure.

Learned counsel for the petitioner states that the matter has been compromised between the parties and the petitioner has removed the wall from the Government land.

Learned State counsel, on instructions from HC Harjinder Pal Singh, does not dispute this fact.

Learned counsel for respondents No.2 and 3 also accepts the factum of compromise and states that the respondents No.2 and 3 have compromised the matter with the petitioner-accused. He further states that the respondents No.2 and 3 have no objection in case the FIR in question is quashed.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Jagir Singh, Sarpanch. His statement made before learned Magistrate on 17.03.2017 in support of the compromise, reads as under:

“I had got registered present FIR No.118 dated 12.09.2016 U/s 283, 447, 431, 506 IPC, 27,54,59 of Arms Act, P.S. Sadar, Kapurthala only against Gurmail Singh son of Sadhu Singh, aged about 58 years, r/o village Wadala Khurd, Tehsil & Distt. Kapurthala and Bahadur Singh s/o Sadhu Singh r/o village Wadala Khurd, Tehsil & Distt. Kapurthala. I have compromised

the matter with both the above said accused voluntarily without any pressure or coercion and with the intervention of the respectables of the locality to keep harmony amongst ourself. There is no other person involved in the occurrence except the above said accused. I have no objection if the proceedings against the above said accused be quashed on the basis of compromise.”

Similar statement has been made before learned Magistrate by respondent No.3 Ranjit Singh, who was allegedly extended threat by the petitioner.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR shall be an abuse to the process of law.

Thus, 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***, the present petition is allowed and the FIR No.118 dated 12.09.2016 under Sections 283, 447, 431 and 506 IPC as well as Section 27 of the Arms Act, 1959 registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 15.09.2016 (Annexure P-2).

September 12, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned:
Whether Reportable:

Yes
No