

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

**Criminal Misc. No. M-8987 of 2017
Date of Decision:-24.07.2017**

Sahil Kapoor and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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

Present:- Mr. Gurbir Singh Pannu, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab
assisted by ASI Madan Lal.

Mr. M.S. Baath, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is
for quashing of FIR No.131 dated 12.7.2016, under Sections 323, 307, 427,
148, 149 and 506 IPC (Section 307 IPC deleted subsequently) and Section
25 of the Arms Act, registered at Police Station Model Town, Luahiana

(Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 20.1.2017 (Annexure P-2).

Vide order dated 17.3.2017, 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 17.3.2017, the parties have appeared before the learned Magistrate on 27.3.2017 for getting their statements recorded.

The report dated 09.5.2017 received from the learned Judicial Magistrate 1st Class (Duty), Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

Learned counsel for the petitioners states that so far as Section 307 IPC is concerned, though the said offence was initially part of the FIR but during the course of investigation, the said offence was deleted.

The statement made by complainant Kulwinder Singh before the JMIC, Ludhiana, on 27.3.2017 reads as under :-

“Stated that an FIR No.131 dated 12.7.2016, under Sections 307, 323, 427, 148, 149, 506 IPC and 25 of Arms Act with P.S. Model Town, Ludhiana was registered on joint application me and Kulwinder Singh. Now, the matter has been peacefully settled in between the parties with the intervention of certain respectables and well wisher, since both the parties are residing in same locality. During the investigation Section 307 IPC has been deleted by the investigation agency. Keeping in

view harmony and good relations as resident of locality, I do not want to pursue with any matter covered under the above said FIR. I do not have any objection in case, the above said FIR is cancelled by the police or quashed by the Hon'ble High Court of Punjab & Haryana. A compromise was also got executed in between the parties and I have seen the compromise which is signed by me as well as by the opposite party who has been named as accused and this compromise was executed signed by the parties without any coercion and the same has been signed with free consent. The copy of my Adhar Card is Ex.P1. I have voluntarily suffered the above statement without any pressure.”

Respondent No.3-Ajit Pal Singh, who got injuries in the incident, also recorded his statement on 27.3.2017 before the JMJC, Ludhiana, which reads as under :-

“Stated that an FIR No.131 dated 12.7.2016, under Sections 307, 323, 427, 148, 149, 506 IPC and 25 of Arms Act with P.S. Model Town, Ludhiana was registered on joint application me and Kulwinder Singh. Now, the matter has been peacefully settled in between the parties with the intervention of certain respectables and well wisher, since both the parties are residing in same locality. During the investigation Section 307 IPC has been deleted by the investigation agency. Keeping in view harmony and good relations as resident of locality, I do not want to pursue with any matter covered under the above said FIR. I do not have any objection in case, the above said FIR is cancelled by the police or quashed by the Hon'ble High Court of Punjab & Haryana. A compromise was also got executed in between the parties

and I have seen the compromise which is signed by me as well as by the opposite party who has been named as accused and this compromise was executed signed by the parties without any coercion and the same has been signed with free consent. The copy of my Adhar Card is Ex.P1. I have voluntarily suffered the above statement without any pressure.

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel also 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.131 dated 12.7.2016, under Sections 323, 307, 427, 148, 149 and 506 IPC (Section 307 IPC deleted subsequently) and Section 25 of the Arms Act, registered at Police Station Model Town, Luahiana and the

July 24, 2017
Vijay Asija

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No