

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

269

CRM-M-11120-2017

Date of decision: 25.01.2018

Gurvinder Singh @ Rinku

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Manpreet Singh, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,
for the State.

Mr. Amanpreet Singh, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The sole accused petitioner has approached this Court with a prayer for quashing of FIR No. 147 dated 16.11.2015 under Sections 307/34 IPC and 25 of Arms Act registered at Police Station Nurpurbedi and all consequential proceedings arising therefrom in the light of the compromise dated 13.02.2017 (Annexure P-1).

The case came up for hearing before this Court on 03.04.2017 when the following order was passed:-

“ Learned counsel refers to Annexure P-1 to contend that a compromise has been effected between the parties.

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG,

Punjab, accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

Mr. P.S.Bajwa, Advocate causes representation on behalf of the complainant and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate on 25.04.2017 for recording their statements with regard to compromise/settlement. Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 25.05.2017.”

In pursuance to the said order, parties appeared before the Judicial Magistrate Ist Class, Sri Anandpur Sahib and got recorded their statements. On the basis of the statements, the Court has come to a conclusion that the compromise, which has been entered into between the parties, has been reached with their own free will, without any pressure, coercion and it is genuine. It has also been averred that the petitioner is a proclaimed offender.

Counsel for the petitioner has produced a copy of the order

dated 03.04.2017 passed by this Court in CRM-M-11146-2017 filed by the petitioner where he had challenged the proceedings initiated against him and the order dated 15.11.2016, whereby he was declared a proclaimed offender. In the said order, this Court had directed the petitioner to appear before the trial Court which shall admit him to bail on his furnishing adequate bail bonds/surety bonds to its satisfaction.

Counsel for the petitioner has also produced the bail bonds, which were submitted to the Court on 07.04.2017 and produced the requisite bail bonds/surety bonds to the satisfaction of the Court. He, on the above basis, prays that since the matter has fully been compromised between the parties and the petitioner has appeared before the Court and submitted to the jurisdiction, the present petition be allowed and the FIR registered against the petitioner be quashed.

Counsel for the complainant states that the complainant has no objection to the prayer made in the present petition and a compromise has indeed been entered into between the parties.

In view of the above and keeping in view the fact that the petitioner and the complainant are co-villagers and have amicably settled the dispute, which has primarily emanated between them, just for the purpose of peace and harmony in the society as the land, which is being cultivated by the petitioner, is adjacent to the land of the complainant.

Keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, the present petition is allowed. FIR No. 147 dated 16.11.2015 under Sections 307/34

IPC and 25 of Arms Act registered at Police Station Nurpurbedi and all consequential proceedings arising therefrom are hereby quashed.

January 25, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No