

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

CRM-M-12807-2018 (O&M)

Date of decision: 03.12.2018

Sahib Singh @ Sabbi @ Sarbjit Singh and others

...Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: None for the petitioners.

Mr. Sukhleen Singh, AAG, Punjab.

None for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.015 dated 12.02.2018, registered under Sections 452, 365, 323, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act at Police Station Khilchaian, District Amritsar and subsequent proceedings arising therefrom on the basis of compromise dated 12.03.2018 (Annexure P-2).

In the present case, the FIR was registered on the statement of Hardial Singh son of Joginder Singh. Now, dispute between the parties has been resolved.

Vide order dated 27.03.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar wherein it has been reported that statements of the parties have been recorded and

compromise entered between the parties is genuine, voluntarily, out of their free will and without any pressure or coercion.

Learned counsel for the State has not disputed that the parties i.e. petitioners, respondent No.2 (complainant) and respondent No.3, have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that simple injury has been received by the victim. Although, one of the petitioner/accused, namely, Balwinder Singh @ Powder having a pistol but pistol was never used in the crime.

This court is of the view that offences under Sections 25 and 27 of Arms Act are not made in this case.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.015 dated 12.02.2018, registered under Sections 452, 365, 323, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Khilchaian, District Amritsar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 03, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no