

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-14744-2016 (O&M)

Date of decision: 25.01.2018

Rajwinder Singh @ Rubal and others

...PETITIONERS

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sukhwinder Kamboj, Advocate,
for Kamaldeep S. Sodhi, Advocate,
for the petitioners.

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

Mr. B.S.Randhawa, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 41 dated 15.03.2016 (Annexure P-1) under Sections 307,323, 325, 148, 149, 506 IPC and 25/27 of Arms Act registered at Police Station Gharinda, District Amritsar and all consequential proceedings arising therefrom in the light of the compromise dated 26.04.2016 (Annexure P-2), along with which there is an affidavit dated 26.04.2016 (Annexure P-3) of the complainant-respondent No. 2-Malkiat Singh @ Jimmy.

This case came up for hearing before this Court on 02.05.2016 when on a direction issued by this Court, parties were called upon to appear before the trial Court and make submissions with regard to the compromise.

The trial Court was also called upon to give a report with regard to the genuineness of the compromise.

In pursuance to the said order, parties appeared before the Additional Sessions Judge, Amritsar, on 17.05.2016 and got recorded their statements. On the basis of the statements given by the parties, learned Additional Sessions Judge, Amritsar, has submitted her report where it has been concluded that the compromise, which has been entered into between the parties, is out of their own free will, without any pressure and coercion and, therefore, is genuine.

Keeping in view the above facts and circumstances of the case and the compromise, which has been entered into which has been found to be genuine by the trial Court as per its report, the interest of justice would require the proceedings to come to an end as it would be a futile exercise if the parties are called upon to appear before the Court.

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. 41 dated 15.03.2016 (Annexure P-1) under Sections 307, 323, 325, 148, 149, 506 IPC and 25/27 of Arms Act registered at Police Station Gharinda, District Amritsar 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