

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

CRM-M-15783-2018

Date of decision: 27.09.2018

Sukhdeep Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Gurinder Singh, Advocate for
Mr. Paramjeet Singh Brar, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.007 dated 19.02.2018, under Sections 307, 452, 323, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur and subsequent proceedings on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Abishek Masih @ Sikander Masih. Now, dispute between the parties has been resolved.

Vide order dated 04.07.2018, the parties were directed to appear before the learned Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate Ist Class, Batala wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties

is genuine, voluntary, without undue influence, coercion or threat.

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

It has been submitted that none of the injury has been declared grievous or danger to life. It seems that FIR has been registered on the allegations that the petitioners fired shot but none was injured.

To the mind of this court, offence under Section 307 IPC is not made out.

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, FIR No.007 dated 19.02.2018, under Sections 307, 452, 323, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

September 27, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE