

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

CRM-M-159-2018

Date of Decision:15.05.2018

Beant Singh

.....Petitioner

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Arshdep Singh Sra, Advocate,
for the petitioner.

Mr. J.S.Walia, Senior Deputy Advocate General, Punjab assisted
by ASI Manjinder Singh.

Mr.M.S.Tiwana, Advocate,
for respondent no.2.

AMOL RATTAN SINGH, J. (Oral)

By this petition, quashing of FIR No.0110 dated 09.11.2017, is sought, registered against the petitioner at Police Station Sadar, Rampura, District Bathinda, for the alleged commission of an offence punishable under Section 307 IPC and under Sections 27/30/54/59 of the Arms Act, on the basis of a compromise arrived at between the petitioner (accused) and respondent no.2, (with respondent no.2 being the complainant).

Vide an order of this Court dated 09.01.2018, the parties were directed to appear before the trial Court to get their statements recorded, in terms of the compromise.

The complainant in the FIR, i.e. respondent no.2 herein, is stated to be the mother-in-law of the petitioner. Thus even though the allegation against the petitioner is that he had inflicted a firearm injury on her, thereby making out an offence punishable under Section 307 of the IPC, this Court

had directed vide the order dated 09.01.2018, that the statements of the petitioner and respondent no.2, be recorded by the trial Court in respect of the compromise arrived at between them, a copy of the said compromise (by way of an affidavit of respondent no.2), having been annexed as Annexure P-2 with the petition, with the petitioner also seen to be a signatory thereto.

Pursuant to the aforesaid order, the report of the learned Sub Divisional Judicial Magistrate, Phul, has been received, stating to the effect that the petitioner as also respondent no.2, i.e. complainant Surinder Kaur, appeared before that Court with Surinder Kaur having got recorded her statement to the effect that the matter has been compromised with the intervention of the Panchayat and other respectable persons and that she has no grudge or enmity against the petitioner.

As per the assessment of the learned Magistrate, the compromise effected is voluntary or without any pressure, threat or coercion.

Consequently, though the Supreme Court in “**Narinder Singh vs. State of Punjab and another**” (2014) 6 SCC 466, has held that normally an FIR registered alleging therein the commission of an offence punishable under Section 307 of the IPC should not be quashed, especially when an injury has been caused by a firearm, yet keeping in view the relationship between the complainant and the petitioner, and on specific query it having been stated that the marriage of the petitioner with the daughter of respondent no.2 continues to subsist, in the opinion of this Court, it would in the interest of justice and well being of the family, to allow the petition in view of the compromise deed.

Consequently, the petition is allowed and FIR No.0110 dated 09.11.2017, registered against the petitioner at Police Station Sadar

Rampura, District Bathinda, for the alleged commission of offences punishable under Section 307 IPC and under Sections 27/30/54/59 of the Arms Act, alongwith all consequential proceedings emanating therefrom, is hereby quashed.

May 15, 2018

dharamvir

(AMOL RATTAN SINGH)

JUDGE

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO