

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

CRM-M-16246-2016

Date of decision: 08.10.2018

Ram Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Harkirat Singh Sandhu, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mohd. Yousaf, 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.153 dated 24.10.2015, under Section 307/34 of the Indian Penal Code (for short 'IPC') and Section 25 of Arms Act at Police Station Pasiana, District Patiala and subsequent proceedings on the basis of compromise (Annexure P-2).

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

Vide order dated 19.07.2018, the parties were directed to appear before the learned trial Court to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned District and Sessions Judge, Patiala wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is voluntarily, without any fear, threat or coercion.

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 specifically stated in the FIR that the injury was caused on the left arm by use of firearm i.e. pistol by petitioner No.1-Ram Singh. Liability of the petitioners qua offence under Section 307 IPC is not made out. It is a case of simple hurt.

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.153 dated 24.10.2015, under Section 307/34 IPC and Section 25 of Arms Act at Police Station Pasiona, District Patiala and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

October 08, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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