

264.

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

CRM-M-16897-2018

Date of decision:31.07.2018

SURINDER KUMAR & OTHERS

... Petitioners

Versus

STATE OF PUNJAB & ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Sunil Doda, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.90 dated 09.05.2012 registered under Sections 452/323/506/34 IPC and Sections 25, 27 of Arms Act, 1959 at Police Station City-1, Abohar, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.04.2018 (Annexure P-2).

This Court vide order dated 24.04.2018 had directed the parties to appear before the learned Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Abohar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.06.2018 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Khairati Lal, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 22.05.2018. The same is reproduced as under:-

“Stated that FIR No.90 dated 09.05.2012 U/s 452/323/506/34 of IPC & section 25/27/54/59 of Arms Act, registered at PS City I Abohar was registered against the four accused persons namely Surinder Kumar, Mukhtiar Singh, Madan Lal Doda, Dhalli @ Yashpal on my statement. I was the only injured/complainant of the abovesaid FIR. No other person was victim of the occurrence mentioned in the said FIR. No accused has been declared proclaimed offender in the present case and no other litigation is pending between the parties. I have compromised the matter with all the accused persons with my own free-will and without any pressure and we have scribed the compromise deed, the copy of which is mark PA. I do not want to proceed further against accused and there is no other accused beside these accused persons. All four accused persons have filed quashing petition before Hon'ble Punjab & Haryana High Court. I have no objection if all accused are acquitted/discharged in the present case and if their quashing petition is accepted by Hon'ble Punjab & Haryana High Court.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.90 dated 09.05.2012 registered under Sections 452/323/506/34 IPC and Sections 25, 27 of Arms Act, 1959 at Police Station City-1, Abohar, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

31.07.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No