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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18595-2018
Date of decision: 26.07.2018

Ranjit Singh and others **....Petitioners**

Versus

State of Punjab and another **....Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. T.P.S.Makkar, Advocate
for respondent No. 2.

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RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 of the Code of Criminal Procedure, the petitioner has prayed for quashing of FIR No.115 dated 01.07.2010 (Annexure P-1) for offence punishable under Sections 336, 427, 447, 511, 148 and 149 of the Indian Penal Code and Section 27 of the Arms Act registered at Police Station Guru Har Sahai, District Ferozpur and subsequent proceedings arising therefrom, on the basis of compromise dated 15.04.2018 (Anneuxre P-2).

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

Vide order dated 03.05.2018, the parties were directed to appear before the trial Court/Illaqa Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Sub Divisional Judicial Magistrate, Guruhar Sahai wherein it has been reported that the complainant

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has voluntarily entered into a compromise with accused, with the intervention of the respectables of the society.

Learned counsel for the State as well as 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.

A perusal of the FIR shows that shot fired in the air and it is no injury case. As such no offence under the Arms Act is made out in this case.

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.115 dated 01.07.2010 (Annexure P-1) for offence punishable under Sections 336, 427, 447, 511, 148 and 149 of the Indian Penal Code; Section 27 of the Arms Act registered at Police Station Guru Har Sahai, District Ferozpur and proceedings emanating therefrom stand quashed qua the petitioners herein.

(RAJ SHEKHAR ATTRI)
JUDGE

26th July, 2018
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

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