

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

246

CRM-M NO.18096 OF 2017

DATE OF DECISION: MAY 02, 2018

Gursahib Singh and another

.....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Jitender Singh Dadwal, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr.DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

Prayer in this petition is for quashing of FIR No.86, dated 09.06.2015 registered under Sections 336, 506, 148, 149 IPC and Sections 25/54/59 of Arms Act at Police Station Gate Hakima, District Amritsar City.

On 19.05.2017, the following order was passed by this Court:-

“Notice of motion for 06.09.2017.

Through the present petition, the petitioners seek quashing of FIR No.86, dated 09.06.2015, registered under Sections 336, 506, 148, 149 IPC and Sections 25, 54, 59 of Arms Act, at Police Station Gate Hakima, District Amritsar City, alongwith all other consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

The petitioners through their counsel are directed to appear before the Illaqa Magistrate on 30.05.2017 on which date the Illaqa Magistrate shall summon respondent No.2 also and record statements of the parties to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate would also apprise this Court whether the petitioners or any of their co-accused are ever declared as proclaimed offender(s) and if is there any other case pending against them.”

In compliance with the above order passed by this Court, the parties appeared before the Judicial Magistrate Ist Class, Amritsar on 01.09.2017. On the basis of the statements given by the parties, learned Judicial Magistrate Ist Class, Amritsar, has submitted report dated 04.09.2017, concluding therein that the compromise entered into between the parties is genuine, voluntarily and out of free will of the parties.

Counsel for the petitioners, on the basis of the report of the Judicial Magistrate Ist Class, Amritsar and keeping in view the fact that neither any injury is caused to any person nor any weapon has been recovered, which fact is not disputed by counsel for the State, on instruction from HC Mukandbir Singh, Police Station Gate Hakima, District Amritsar City, prays for allowing the present petition.

In the light of the compromise dated 16.04.2017 (Annexure P-2) having been entered into between the parties, which has been found to be genuine as per the report dated 04.09.2017 of the Judicial Magistrate First Class, Amritsar and the fact that complainant-respondent No.2 does not want to pursue the present FIR, which was recorded at his behest, the interest of justice would be served by putting an end of the dispute between the parties, which has been amicably resolved for their betterment and future brotherhood.

In the light of the above and the ratio of latest judgment of the Hon'ble Supreme Court in **Criminal Appeal No.1723 of 2017**, titled as **Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another**, decided on 04.10.2017 and in the judgment of **Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482** as also the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052**, the present petition is allowed. FIR No.86, dated 09.06.2015 registered under Sections 336, 506, 148, 149 IPC and Sections 25/54/59 of Arms Act at Police Station Gate Hakima, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

May 02, 2018
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No