

CRM-M-19089-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19089-2017

Date of Decision: 8th May, 2018

Jhilmal Singh @ Jhilman Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jasbir Singh, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

None for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0027 dated 14.05.2017, under Sections 307, 506, 148 and 149 of the Indian Penal Code (hereinafter referred to as 'IPC') and Sections 25 and 27 of the Arms Act, registered at Police Station Mehta, District Amritsar, (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 18.05.2017 (Annexure P-2) entered into between the petitioners and respondent No.2-complainant.

On appearance of counsel for complainant-respondent No.2, this Court, vide order dated 18.08.2017, had directed the parties to appear before the Illaqa Magistrate/trial Court and give their statements with regard to the compromise referred to above.

In compliance with the said order, parties appeared before the

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Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar and got recorded their respective statements. The Sub Divisional Judicial Magistrate, Baba Bakala Sahib, on the basis of the statements of the parties, submitted its report dated 27.10.2017, according to which, the Court opined that the compromise which has been entered into between the petitioners and complainant-respondent No.2 is voluntary, out of free will, without any pressure or coercion and thus, is a genuine one.

Counsel for the petitioners, on the basis of the report dated 27.10.2017 referred to above, prays that the present petition be allowed and the FIR in question along with all consequential proceedings be quashed.

Counsel for the State, on instructions from ASI Baljeet Singh, P.S. Mehta, District Amritsar, submits that this is a case of no injury and the weapons which are recovered in this case i.e. double barrel rifle and revolver along with empty cartridges, are licensed weapons. He acknowledges the fact that a compromise has been entered into between the parties.

Keeping in view the compromise dated 18.05.2017 (Annexure P-2) having been entered into between the parties, which has been found to be genuine as per the report dated 27.10.2017 of the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, it would be in the interest of parties that the matter is brought to an end so that there is not further grudge or ill-will between them as they belong to the same village.

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

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'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.0027 dated 14.05.2017, under Sections 307, 506, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, registered at Police Station Mehta, District Amritsar, (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

8th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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