

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

CRM-M-21103-2018

Date of decision: 31.10.2018

Sajan Mehta @ Kala and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rahul Bhargava, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Ruhani Chadha, 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.130 dated 26.12.2017, registered under Sections 336, 506 of the Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act at Police Station Maqboolpura, Amritsar and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Dalbir Singh @ Ghaggu son of Swaran Singh. Now, dispute between the parties has been resolved.

Vide orders dated 22.05.2018 and 06.07.2018, the parties were directed to appear before the learned trial magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Amritsar wherein it has been reported that statements of the parties have been recorded and compromise entered between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence and pressure.

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 submitted that the fired shot in the air and none was injured in the incident. As such, no offence under Arms Act is made out in the present case.

Perusal of allegations in the rapat 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.130 dated 26.12.2017, registered under Sections 336, 506 IPC and Sections 25, 27 of Arms Act at Police Station Maqboolpura, Amritsar and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua the petitioners.

October 31, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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