

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

CRM-M-22107-2018 (O&M)

Date of Decision:-27.9.2018

Tarlochan Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navkiran Singh, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Parminder Singh-I, Advocate for respondents No.2 to 6.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioners seek quashing of FIR No.34 dated 16.3.2018 registered under Sections 307, 427, 506, 148 and 149 of Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of Arms Act at Police Station Sadar Kurali, District S.A.S. Nagar and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 22.5.2018, the parties had been directed to appear before the Illaqa Magistrate so as to get their statements recorded qua the factum of compromise.

Report of learned Judicial Magistrate 1st Class, Kharar has been received to the effect that statements of the complainant Harjit Singh and also of the eye-witnesses Gurvinder Singh, Balkar Singh and Satnam Singh have been recorded apart from the statements of the accused. As per statement of the complainant Harjit Singh, he has compromised the matter

with the intervention of respectables and that he has no objection in case the FIR is quashed. To the similar effect are the statements of the witnesses i.e. respondents No.4 to 6. The accused Tarlochan Singh, Karanveer Singh (minor) through his mother Supinder Kaur and Pavittar Singh (minor) through his mother Jatinder Kaur have also stated that the matter has been compromised amongst them. Although statement of respondent No.3 Rupinder Singh has not been recorded but he is not stated to be injured or effected in any manner and has been arrayed as a party being another eye-witness. The learned Judicial Magistrate 1st Class, Kharar has specifically opined that the parties have entered into compromise voluntarily and without there being any pressure, coercion or undue influence and that none of the accused is a proclaimed offender.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.34 dated 16.3.2018 registered under Sections 307, 427, 506, 148 and 149 of Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 of Arms Act at Police Station Sadar Kurali, District S.A.S. Nagar and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

27.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No