

115-A

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

**CRM-M-27226-2017
Date of Decision: 30.01.2018**

Mohan Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sanjeev Kumar, Advocate for
Mr. Gagandeep Singh, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. J.S. Dadwal, Advocate for respondent Nos.2 to 4.

SUDIP AHLUWALIA J. (ORAL)

In this petition, the petitioners, who are the accused persons in F.I.R No.154, dated 11.08.2016, under Sections 307, 324, 323 & 34 of the IPC and Section 27 of the Arms Act (later on added Section 336 IPC and deleted Section 307 IPC), registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Judicial Magistrate First Class, Ludhiana, vide report dated 24.01.2018 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Ld. State counsel in all fairness submits that after investigation,

the application of an offence under Section 307 of the IPC could not be established on account of which the same was deleted. Further, on perusal of the FIR of the G.D. No.019 dated 21.09.2016, it is seen that the complainant had himself mentioned therein that the revolver held by accused Darshan Singh was actually a licensed weapon. As such, the ingredients of the offence under the Arms Act would also not appear to be made out.

[4]. Respondent Nos. 2 to 4 are represented by their counsel.

[5]. In view of the report of the Judicial Magistrate First Class, Ludhiana, and in view of the decisions of the Hon'ble Supreme Court in **"Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543** and **"Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466**, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/accused persons.

[6]. In the circumstances, the present petition is allowed. F.I.R No.154, dated 11.08.2016, under Sections 307, 324, 323 & 34 of the IPC and Section 27 of the Arms Act (later on added Section 336 IPC and deleted Section 307 IPC), registered at Police Station Dakha, District Ludhiana Rural (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed qua the present petitioners.

30.01.2018

Bhumika

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No