

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29045-2018

DATE OF DECISION: SEPTEMBER 26, 2018

KARAMJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI.

PRESENT: MR. GURSHARAN SINGH, ADVOCATE
FOR THE PETITIONER.

MR. KARANBIR SINGH, AAG, PUNJAB.

MR. FATEHJEET SINGH, ADVOCATE
FOR RESPONDENT NO.2.

RAJ SHEKHAR ATTRI, J.(ORAL)

By invoking Section 482 Cr.P.C., the petitioner has prayed for quashing of FIR No.50 dated 1.8.2017 for offence punishable under Sections 336 of the Indian Penal Code and Section 27 of Arms Act registered at Police Station Bhaini Mian Khan, District Gurdaspur and proceedings emanating therefrom on the basis of affidavit with regard to compromise (Annexures P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of respondent No.2-Rajinderpal son of Harnam Dass Som Raj. Now, dispute between the parties has been resolved by way of compromise Annexure P-2.

Vide order dated 13.7.2018, the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements recorded with

regard to genuineness of the compromise.

Pursuant thereto, a report has been submitted by the Judicial Magistrate 1st Class, Gurdaspur wherein it has been reported that statements of the parties have been recorded and they have voluntarily compromised the matter without any pressure or coercion in any manner.

Counsel for the State and respondent No.2 have not disputed that the parties i.e. petitioner and respondent No.2 (complainant) have arrived at a settlement with an intent to give burial to their differences.

The learned counsel for the petitioner submits that though the petitioner fired a shot from his licenced gun, but nobody has been injured. This fact has not been disputed by the learned State counsel as well as learned counsel for respondent No.2-complainant. As such, to the mind of this Court, provisions of Arms Act are not attracted in this case.

Perusal of allegations in the FIR 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, FIR No.50 dated 1.8.2017 for offence punishable under Section 336 of the Indian Penal Code and Section 27 of Arms Act registered at Police Station Bhaini Mian

Khan, District Gurdaspur and proceedings emanating therefrom stand quashed qua the petitioner.

September 26, 2018
Gulati

(RAJ SHEKHAR ATTRI)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No