

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

CRM-M-29821 of 2018.

Decided on:-August 30, 2018.

Manga Ram and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. J.K. Singla, Advocate
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab
for respondent No.1-State.

Mr. Kashish Garg, Advocate
For respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.63 dated 01.06.2018 under Sections 307, 379-B, 323, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Budhlada, Tehsil Budhlada, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.07.2018 (Annexure P-2).

This Court vide order dated July 18, 2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective

statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners, namely, Manga Ram, Jaspreet Singh alias Soni, Sanju, Jagdeep Singh alias Bura, Sukhdev Maloutia alias Sukhdev Ram and Karandeep Singh alias Tira as well as respondent No.2-complainant Ravinder Kumar have appeared before learned Sub-Divisional Judicial Magistrate, Budhlada and got their statements recorded on 06.08.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 17.08.2018 to the effect that the compromise has been entered into voluntarily between the parties without any pressure or coercion and the same is genuine one.

The statement made by respondent No.2-complainant Ravinder Kumar, who is the author of the FIR in question, before learned Magistrate reads as under:

“Stated that present FIR No.63 dated 01.06.2018 against accused persons was registered at my instance being complainant under Sections 307, 379-B, 323, 148, 149 of IPC and U/S 25 and 27 of Arms Act. However, panchayat and respectable persons of society have got compromise effected between us. Now there is no dispute between us and I do not want to take any action against accused persons. I have entered into compromise with my own sweet will without any pressure or undue influence. I have no objection if the FIR is quashed. The compromise is Mark-A. Attested photocopy of my Aadhar Card is Mark-B.”

Learned counsel for the petitioners has argued that though there is an allegation of use of fire arm, but no fire arm injury has been caused to any of the injured/complainant and as such, the case of the petitioners is covered with the ratio of law laid down by Hon'ble Supreme Court in ***Narinder Singh and others Versus State of Punjab and another 2014(2) RCR (Criminal) 482.***

On the other hand, learned State counsel and learned counsel for the respondent No.2-complainant have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioner shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as in ***Narinder Singh and others' case (supra)***, the present petition is allowed and the FIR No.63 dated 01.06.2018 under Sections 307, 379-B, 323, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station City Budhlada, Tehsil Budhlada, District Mansa (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 11.07.2018 (Annexure P-2), subject to payment of costs of Rs.25,000/- to be deposited by the petitioners within a period of 20 days from today

before the Deputy Commissioner, Mansa for its onward transmission to the Kerala Chief Minister's Distress Relief Fund towards relief to Kerala flood victims.

August 30, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No