

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

Sr. No.261

CRM-M No.31546 of 2017

Date of decision: 26.02.2018

Balwinder Singh

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Ms. Luv Inder Sofat, Asstt. A.G., Punjab.

Mr. Ruhani Chadha, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (Oral)

On the basis of the matter having been compromised, the petitioner has filed the present petition under Section 482 Cr.P.C., seeking quashing of FIR No.278, dated 21.09.2016, registered under Section 336 IPC and Sections 25/27/54/59 of Arms Act, at Police Station Sultanwind, District Amritsar, on the ground that the matter between the petitioner and the complainant has been compromised.

On 07.12.2017, while issuing notice of motion, this Court had directed the parties to appear before the trial court for recording their statements with regard to compromise arrived at between them. The trial court was directed to submit a report on or before the next date of hearing regarding the genuineness of compromise.

As directed, a report dated 24.01.2018 by the Judicial Magistrate Ist Class, Amritsar has been received in which it has been opined that after recording of statements of the parties, the trial court is of the opinion that the compromise arrived at between the parties is genuine.

Learned State counsel, on instructions from ASI Sukhdev Singh, also submitted that the matter between the parties has been compromised; the petitioner is not proclaimed offender and that he has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance to the impugned FIR which is a result of a minor fight between the parties and has been compromised, would be an abuse of the process of law and therefore, in terms of the law laid down by the Full Bench of this Court in **“Kulwinder Singh and others versus State of Haryana and others”**, 2007(3) RCR (Criminal) 1052, this Court is of the opinion that the present petition deserves to be allowed.

Resultantly, the present petition is allowed, FIR No.278, dated 21.09.2016, registered under Section 336 IPC and Sections 25/27/54/59 of Arms Act, at Police Station Sultanwind, District Amritsar, and all the subsequent proceedings arising therefrom are hereby quashed.

The petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

February 26, 2018

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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No