

280.

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

CRM-M-32816-2018

Date of decision:22.10.2018.

RAMANDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Sonia, Advocate, for
Mr. Rajbir Singh, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.79 dated 09.05.2018 registered under Section 336 of IPC and Section 25/27 of Arms Act, 1959 at Police Station City Dhuri, District Sangrur (Annexure P-1) (Section 25/27 of Arms Act deleted during investigation) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.07.2018 (Annexure P-3).

This Court vide order dated 02.08.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Dhuri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily or without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Amandeep Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 31.08.2018. The same is reproduced as under:-

“Stated that F.I.R. No.79 dated 09.05.2018 under Sections 336, 506 of IPC 25/57/59 Arms Act at Police Station City Dhuri was registered by me against Ramandeep Singh. The instant FIR was got registered against accused Ramandeep Singh son of Harcharan Singh son of Zora Singh resident of Manna Patti, Dhuri Pind, Tehsil Dhuri, District Sangrur and no accused is proclaimed offender in this case. No other case is pending between us. I have compromised with accused with the intervention of respectables. I entered into compromise with the accused with my own free will and without any pressure or coercion. I have no objection if on the basis of above said compromise, instant FIR lodged by me against the accused, is quashed.”

Learned counsel for the petitioner states that though as per information the offence under Section 25/27/54/59 of Arms Act was deleted during investigation, but even if it is assumed that the said offence has not been deleted, the case of the petitioner still can be considered for quashing of FIR on the basis of compromise.

Learned State counsel, on instructions from ASI Gurmail Singh, states that the matter is under investigation and the offence under Section 25/27/54/59 of Arms Act has not been deleted. However, the police is in process of filing the challan as the same is otherwise complete.

In view of the fact that matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R. as chances of conviction are bleak.

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**, this petition is allowed and F.I.R. No.79 dated 09.05.2018 registered under Section 336 of IPC and Section 25/27 of Arms Act, 1959 at Police Station City Dhuri, District Sangrur (Annexure P-1) (Section 25/27 of Arms Act deleted during investigation) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 16.07.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

22.10.2018

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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No