

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

132

CRM-M-34959-2018

Date of Decision:17.12.2018

Amarbir Singh @ Babba Gill and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. J.S. Mahal, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

Mr. M.S. Bajwa, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.111 dated 02.08.2017 under Sections 336, 506, 148, 149 IPC and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.08.2018 (Annexure P-2).

This Court vide order dated 16.08.2018 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. However, statement of the parties could not be recorded as they failed to appear before the learned Magistrate to get

their statements recorded. Again vide order dated 16.11.2018, one more opportunity was granted to the parties to get their statement recorded, in terms of the order dated 16.08.2018 passed by this Court and learned Magistrate was directed to forward the report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.12.2018 to the effect that the compromise appears to be a genuine one as parties have made their statements voluntarily and without any coercion or undue influence.

Respondent No.2-Complainant, namely, Rohit @ Paplu, has made a statement with regard to compromise before learned Magistrate on 07.12.2018. The same is reproduced as under:-

“Stated that the matter has been compromised between me and accused Amarbir Singh @ Babba Gill, Amarjit Singh @ Jagga Gill, Inderjit Singh @ Kala Kaido, all sons of Ajit Singh, Hira son of Jagira @ Jagir Masih, Manga @ Gullu son of Prem and Kali @ Ajay son of Prem, all residents of Mills Quarter, Dhariwal, Tehsil and District Gurdaspur. The compromise has been entered into out of our free will without any pressure. There are six accused arrayed in the present case i.e. FIR No.111, dated 02.08.2017, under Section 336, 506, 148, 149 of IPC, P.S. Dhariwal. There is no other accused except for the above stated persons and none of them has been declared Proclaimed Person in the present case. No other case is pending between me and the accused persons.

I have no objection in case the FIR against aforementioned accused persons is quashed. Copy of the Aadhaar card of complainant is Ex.C1.

Learned State counsel has not disputed the factum of compromise between the parties.

Learned counsel for respondent No.2 also does not dispute the factum of compromise. He states that though in the statement made by complainant-respondent No.2-Rohit @ Paplu, FIR under Sections 336, 506, 148, 149 IPC has been mentioned, but by mistake the offence for the Arms Act has not been mentioned. However, he states that the matter has been compromised even for the offence under Sections 25, 27 of the Arms Act.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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 FIR No.111 dated 02.08.2017 under Sections 336, 506, 148, 149 IPC and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 04.08.2018 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioners shall produce a receipt with the Registry.

December 17, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No