

240-9

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.36214 of 2016
Date of Decision: 07.02.2018

Atma Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. A.P.S. Gill, Advocate, for
Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Senior D.A.,G., Punjab,
for respondent No.1.

Mr.Vishal R.Lamba, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused persons in F.I.R. No.96, dated 16.08.2015, under Sections 336, 323 and 34 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered at Police Station City Nihal Singh Wala, (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

2. With the intervention of respectables and elderly people of the society, respondent No.2 has arrived at a settlement with the accused vide Panchayati Compromise (Annexure P-2) which is duly signed by him. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Sub Divisional Judicial Magistrate, Nihal Singh Wala, vide report dated 21.11.2016, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. The F.I.R. discloses that no actual injury whatsoever was caused to the complainant or to any other person and the firearm used in the case was admittedly the licensed one.

4. Respondent No. 2 is represented by his counsel and he does not oppose the compromise.

5. In the given circumstances and in view of the report of the Sub Divisional Judicial Magistrate, Nihal Singh Wala, and in view of the decision of the Hon'ble Supreme Court in "**Gian Singh Vs. State of Punjab and another**", 2012(4) RCR (Criminal) 543 and "**Narinder Singh and Others Vs. State of Punjab and Another**", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/accused persons.

6. In the circumstances, the present petition is allowed. F.I.R. No.96, dated 16.08.2015, under Sections 336, 323 and 34 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered at Police

Station City Nihal Singh Wala, (Annexure P-1), and all consequential proceedings arising therefrom are hereby quashed on the basis of compromise qua the present petitioners.

07.02.2018

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No