

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36153-2017

DATE OF DECISION: JANUARY 22, 2018

RAJWINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

PRESENT: MR. S.S. SWAICH, ADVOCATE FOR THE PETITIONERS.

MR. HARBIR SANDHU, AAG, PUNJAB.

MR. G.S.SALANA, ADVOCATE FOR RESPONDENTS NO.2 TO 4.

MAHABIR SINGH SINDHU, J. (ORAL)

1. Present petition is filed praying for quashing FIR No.72 dated 29.8.2016, under Sections 307, 323, 120-B, 148, 149 IPC and Section 25, 27/54/59 Arms Act, registered at Police Station Sadar Patti, District Tarn Taran as well as all proceedings resulting therefrom, on the basis of compromise [Annexure P-2 (Colly)] entered into between the parties.

2. Heard.

3. Both the parties were directed by this Court vide order dated 27.9.2017 to appear before the learned Illaqa Magistrate/trial Court and get their statements recorded and in pursuance thereof, learned Sub Divisional Judicial Magistrate, Patti recorded the statements of both the parties and submitted a report dated 17.10.2017. A perusal of the report reveals that the compromise entered into between the parties is voluntary and without any fear, coercion, inducement or threat. Even as on today the parties are not disputing the factum of compromise arrived at between them.

4. No objection has been raised by the learned State counsel on a specific query put to him by the Court with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties in this case. As per the averments made in paragraph 2 of the preliminary submissions of the affidavit filed by Sohan Singh, PPS, Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, injuries to Ravi Sher Singh, Lakhbir Singh and Gurlal Singh with fire arm were declared as simple in nature in the MLRs as well as in the X-ray reports.

5. The above factual position is not disputed before this Court that the charges have not been framed in this case and the matter has been compromised and report has been received in pursuance of the order dated 27.9.2017 passed by this Court.

6. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise and the fact that no objection has been raised by the State and the injuries are found simple in nature, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR and all consequent proceedings resulting therefrom are quashed.

7. Petition is allowed.

January 22, 2018
Gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether Reportable : No

Whether Speaking/Reasoned : Yes