

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37036-2017

Date of Decision: 27.04.2018

Jagdev Singh @ Jagga and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Dhaliwal, Advocate,
for the petitioners.

Mr. J.S. Walia, Sr. D.A.G., Punjab.

Mr. Karanjit Singh, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No.10 dated 21.01.2014, is sought, which stands registered against the petitioners at Police Station City South, Moga, for the alleged commission of offences punishable under Sections 307, 323, 336, 148 and 149 IPC and Sections 25, 27, 54 and 59 of the Arms Act, 1959; on the basis of a compromise arrived at between the petitioners (accused) and respondent no. 2, i.e. the complainant.

Vide an order of this Court dated 14.12.2017, the parties were directed to appear before the learned trial Court to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order, the report of the learned Chief Judicial Magistrate, Moga, has been received, to the effect that the statement of the complainant (respondent no. 2 herein), Sukhdev Kumar, was recorded before that Court stating that he has entered into a compromise with all three petitioners, i.e.

Jagdev Singh @ Jagga, Manoj Kumar and Hardev Singh and he has no objection if the FIR itself is quashed to avoid further litigation and for his peace of mind.

The statements of the petitioners were also recorded (on different dates) in favour of the compromise reached between them, a copy of the compromise deed being Annexure P-2 with the petition.

As per the assessment of the learned CJM, the compromise arrived at between the parties is genuine and of their free will, without any fear or pressure on either of them.

Learned counsel has also pointed to the observation signed by the SMO Civil Hospital, Moga, to the effect that injury no. 1 (which is stated to have been kept under observation), was not dangerous to life and therefore no offence punishable under Section 307 IPC is made out.

As regards the offences punishable under the Arms Act, 1959, on query, learned State counsel on instructions from Head Constable Harjinder Singh, submits that no fire arm was actually recovered from any of the petitioners and that there was no fire arm injury also received by the complainant.

In view of the above, in the opinion of this Court, it would be pointless to continue with criminal proceedings, the parties having fully compromised the matter of their own free will.

Consequently, the petition is allowed and FIR No. 10 dated 21.01.2014, registered against the petitioners (accused) at Police Station City South, District Moga, for the alleged commission of offences punishable under Sections 307, 323, 336, 148 and 149 IPC and Sections 25, 27, 54 and 59 of the Arms Act, along with all proceedings emanating therefrom, is hereby quashed.

April 27, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.