

(1)

CRM-M-38531-2016 &
CRM-M-46208-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 4th May, 2018

CRM-M-38531-2016

Shiv Dayal & others

...Petitioners

Versus

State of Punjab & another

...Respondents

(2)

CRM-M-46208-2016

Inderjit Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sanjeev Goyal, Advocate
for the petitioners in both the petitions.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Kulwinder Singh, Advocate
for respondent No.2 in both the petitions.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two petitions filed under Section 482 Cr.P.C., i.e. CRM-M-38531-2016, titled as 'Shiv Dayal & others Vs. State of Punjab & another' and CRM-M-46208-2016, titled as 'Inderjit Singh Vs. State of Punjab & another', preferred by the petitioners for quashing of FIR No.8 dated 09.02.2015, under Sections 307, 341 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC') and Sections 25

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and 27 of the Arms Act, registered at Police Station City Dhuri, District Sangrur, (Annexure P-1 in both petitions) and all subsequent proceedings arising therefrom, in the light of compromise dated 13.10.2016 and 25.11.2016 (Annexure P-2 in both petitions) entered into between the petitioners and complainant-respondent No.2.

CRM-M-38531-2016 came up for hearing before this Court on 26.10.2016, when this Court issued notice and directed the parties to put in appearance before the Illaqa Magistrate, Police Station Dhuri, District Sangrur and get recorded their statements. The Court concerned was also directed to submit a report with regard to the factum of compromise being genuine and none of the accused being proclaimed offender. Similar directions were issued by this Court in CRM-M-46208-2016 vide order dated 23.12.2016.

In compliance with the said orders, parties appeared before the Sub Divisional Judicial Magistrate, Dhuri and got recorded their respective statements supporting the factum of compromise. On the basis of the statements of the parties, two reports dated 16.11.2016 and 23.02.2017 have been submitted by the Sub Divisional Judicial Magistrate, Dhuri, wherein, it has been concluded that the compromise entered into between the parties is genuine, voluntary, without any threat, coercion or undue influence. It is also submitted that none of the accused is proclaimed offender.

In the light of the reports of Sub Divisional Judicial Magistrate, Dhuri, dated 16.11.2016 and 23.0.2017, counsel for the petitioners and counsel for respondent No.2 submit that these petitions may be allowed and

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the FIR in question along with all consequential proceedings arising therefrom be quashed.

Counsel for complainant-respondent No.2 states that complainant-respondent No.2 stands by the compromise dated 13.10.2016 and 25.11.2016 and has no objection in case the FIR along with all consequential proceedings arising therefrom is quashed as he does not want to pursue the same any further.

Counsel for the State informs the Court that the recovery which has been effected in this case is that of a licensed weapon and that, this is a case of no injury.

Keeping in view the fact that the matter has been amicably resolved between the parties and the compromise dated 13.10.2016 and 25.11.2016 entered into between the parties, which have been found to be genuine as per the reports of Sub-Division Judicial Magistrate, Dhuri, the continuation of proceedings before the trial Court would be a futile exercise and rather, wastage of time and energy, which cannot be permitted.

Keeping in view the factum of compromise having been entered into between the parties and in the light of the ratio of latest judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***, decided on 04.10.2017 and in the judgment of ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** as also the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3)***

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RCR (Criminal) 1052, the present petitions are allowed. FIR No.8 dated 09.02.2015, under Sections 307, 341 and 34 of IPC and Sections 25 and 27 of the Arms Act, registered at Police Station City Dhuri, District Sangrur, along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

4th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No