

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-39243-2016

Decided on: 06.03.2018

Harpreet Singh Gill and another

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present:- Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

None for respondents No.2 to 4.

AUGUSTINE GEORGE MASIH, J (ORAL)

Prayer in this petition is for quashing of FIR No.179 dated 23.04.2010 registered under Sections 307, 452, 323, 34 IPC and Section 25 of the Arms Act (Later on Section 307 IPC has been deleted) at Police Station Civil Lines, District Amritsar City (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of a compromise deed dated 21.10.2016 (Annexure P-2) arrived at between the petitioners and respondents No.2 to 4.

2. On 07.11.2016, when the case was taken up for hearing, following order was passed:-

“ Mr. Subhash Chand, Advocate has put in appearance on behalf of respondent No.2.

Parties are directed to appear before the trial Court to get their statements recorded to the satisfaction of the trial Court within a period of fifteen days and report be sent accordingly and the Magistrate shall also intimate as to whether any of the parties to this petition are declared proclaimed offender or not before the next date of hearing.

List on 24.03.2017.”

3. In compliance of the above referred order of this Court, report has been submitted by the Judicial Magistrate 1st Class, Amritsar on 02.12.2016. According to the said report, parties appeared before the said Court on 17.11.2016 and got recorded their respective statements. On the basis of the statements given by the parties, the Court found itself satisfied that the parties had made an amicable settlement and have got recorded their statements in Court without any fear or pressure. It has further been stated that none of the accused is declared as proclaimed offender.

4. Counsel for the petitioner on the basis of the report of the Judicial Magistrate 1st Class, Amritsar, referred to above and the compromise dated 21.10.2016 (Annexure P-2) which has been entered between the parties submitted that the present petition be allowed.

5. Keeping in view the allegations in the FIR where although it has been mentioned that a pistol was found lying on the ground but since the same has not been used as a fire arm and also in the light of the fact that none is claiming the ownership of the said weapon and the injury which is found on person of Rishab Kapoor-respondent No.4, is of simple in nature, as also the principles laid down by the Hon'ble Supreme Court in ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** and the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, the present petition is allowed. FIR No.179 dated 23.04.2010 registered under Sections 307, 452, 323, 34 IPC and Section 25 of the Arms Act (Later on Section 307 IPC has been deleted) at Police Station Civil Lines, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

6. The pistol alleged to have been recovered in this case, stands confiscated to the State after expiry of the period for revision or appeal, if any.

(AUGUSTINE GEORGE MASIH)
JUDGE

06.03.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No