

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.39487 of 2018 (O&M)
Date of Decision:30.10.2018.

Ankush Bhatia alias Anku and others

...Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Dhawaljit Dutta, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI J. (ORAL)

By invoking Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No.0230 dated 18.05.2018 for the offences punishable under Sections 452, 323, 506, 148, 149 of the Indian Penal Code (for short 'IPC') and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Civil Lines, Police Commissionerate Amritsar (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise dated 07.06.2018 (Annexure P-2) arrived at between the parties.

In the present case, the FIR was registered on the statement of Bharat Mehra son of Vipin Mehra. Now, dispute between the parties has been resolved.

Vide order dated 10.09.2018, the parties were directed to appear before the trial Court/Illaq Magistrate to get their statements

recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the Chief Judicial Magistrate, Amritsar, wherein it has been reported that statements of the parties have been recorded that the compromise is genuine, voluntary and without any pressure.

Counsel for the State as well as counsel for respondent No.2 have not disputed that the parties i.e. petitioners and respondent No.2 have arrived at a settlement with an intent to give burial to their differences.

Learned counsel for the petitioners submits that one of the accused-Anku who was carrying a pistol in his hands, pointed the pistol on the complainant. Except this, firearm was not used and no fire was shot. As such, to the mind of this Court provision of Sections 25 and 27 of the Arms Act are not attracted in this case.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that the same are put to an end.

For the foregoing reasons, the petition is allowed. FIR No.0230 dated 18.05.2018 for the offences punishable under Sections 452, 323, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at

Police Station Civil Lines, Police Commissionerate Amritsar (Annexure P-1) and all the proceedings emanating therefrom on the basis of compromise stand quashed qua the petitioners.

30.10.2018
rekha sharma

(RAJ SHEKHAR ATTRI)
JUDGE

<i>whether speaking/reasoned</i>	<i>Yes/No</i>
<i>whether reportable</i>	<i>Yes/No</i>