

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No.42601 of 2017

Date of Decision: 28.03.2018

Gurwinder Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Munish Bansal, Advocate,
for the petitioners.

Mr. B.B. Menon, AAG, Punjab.

Mr. N.K. Vadehra, Advocate,
for respondent No.2.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are accused in F.I.R. No.0047, dated 13.03.2017, under Sections 341, 506, 307, 148, 149 and Sections 336 of the Indian Penal Code and Sections 25, 27, 54 and 59 of the Arms Act registered at Police Station Raman, District Bathinda (Punjab), (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings on the basis of compromise.

[2]. With the intervention of respectables and elderly people of the society, the complainant has arrived at a settlement with the accused vide Compromise (Annexure P-2), which is duly signed by him. The matter was

referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. The Sub Divisional Judicial Magistrate, Talwandi Sabo, vide report dated 20.12.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Perusal of the FIR clearly reveals that gun shots, if any, were fired in the air only and not towards any actual person, and it has further transpired on query from the present Investigating Officer namely, ASI Sadhu Singh, that neither any fire-arms nor any pellets or gun-shells from around the place of occurrence could be recovered during investigation.

[4]. In the given circumstances, the necessary ingredients to constitute the offence under Section 307 IPC and all the other Sections under the Arms Act as mentioned in the FIR would not appear to be attracted.

[5]. Respondent No. 2 is represented by his counsel and he does not oppose the compromise.

[6]. In view of the report of the Sub Divisional Judicial Magistrate, Talwandi Sabo, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant has himself compromised the dispute with the petitioners/ accused persons.

[7]. In the circumstances, the present petition is allowed. F.I.R. No.0047, dated 13.03.2017, under Sections 341, 506, 307, 148, 149 and Sections 336 of the Indian Penal Code and Sections 25, 27, 54 and 59 of the Arms Act registered at Police Station Raman, District Bathinda (Punjab), (Annexure P-1), and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

28.03.2018

Divyanshi

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No