

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

271

CRM-M-43803-2016 (O&M)

Date of decision: 14.02.2018

Surat Singh @ Suraj

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Harpreet S. Multani, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

Mr. Karandeep S. Sidhu, Advocate,
for respondent No. 2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 303 dated 12.10.2008 (Annexure P-1) under Sections 323/427/452/336/506/148/149 IPC and 25/27/54/59 of Arms Act registered at Police Station Division No. 4, Jalandhar, District Jalandhar and all consequential proceedings arising therefrom in the light of the compromise dated 16.09.2014 (Annexure P-2).

The case came up for hearing before this Court on 09.12.2016 when the following order was passed:-

“ Notice of motion.

Mr. Jasjeet Dhaliwal, Deputy Advocate General, Punjab,
Punjab has put in appearance on behalf of respondent No.1-
State.

Mr. Amarbir S. Salar, Advocate has put in appearance on his own on behalf of respondent No.2 and filed his vakalatnama today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate, Police Station Division No.4, District Jalandhar within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 24th August, 2017.”

In compliance with the said order, the parties appeared before the Judicial Magistrate Ist Class, Jalandhar and got recorded their statements. On the basis of the statements of the parties, the Court has submitted a report dated 15.09.2017, according to which, the compromise has been entered into between the parties with free will, sound disposing mind and without any pressure or coercion. It has further been observed that the complainant-respondent No. 2-Shehnaz Khan has no objection if the FIR qua the petitioner is quashed. The report further states that this very FIR, which is the subject matter of the present petition, has been quashed qua Ravinder Sethi @ Rinku Sethi by this Court in CRM-M-29971-2014 vide order dated 04.02.2016.

Learned counsel for the petitioner states that the case of the petitioner is similar to that of the co-accused, namely, Ravinder Sethi @

Rinku Sethi, which has resulted in quashing of the FIR qua him by this Court. Reference has been made to the said order, which has been appended as Annexure P-5. Prayer has, thus, been made for allowing the present petition in same terms.

Learned counsel for the complainant-respondent No. 2 does not dispute the assertions of the counsel for the petitioner and states that the complainant has no objection if the FIR is quashed qua the petitioner.

In the light of the compromise dated 16.09.2014 (Annexure P-2), which has been entered into between the parties and keeping in view the ratio of the judgment of the Supreme Court in **Narinder Singh vs. State of Punjab**, 2014 (2) RCR (Criminal) 482 and Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, the present petition is allowed. FIR No. 303 dated 12.10.2008 (Annexure P-1) under Sections 323/427/452/336/506/148/149 IPC and 25/27/54/59 of Arms Act registered at Police Station Division No. 4, Jalandhar, District Jalandhar and all consequential proceedings arising therefrom are hereby quashed.

February 14, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No