

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

CRM-M-4445 of 2018.

Decided on:- December 10, 2018.

Sarabjit Singh @ Saba and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. M.K. Bhatnagar, Advocate
for the petitioners.

Mr. Harpreet S. Multani, A.A.G., Punjab
for respondent No.1-State.

Mr. Sanjeev Kumar Bawa, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.601 dated 09.12.2017 under Sections 307, 341, 323, 506, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Civil Lines, District Police Commissionerate, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.01.2018 (Annexure P-3).

This Court vide order dated 19.04.2018 had directed the parties to appear before the Illaqa Magistrate to get their respective statements

recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Chief Judicial Magistrate, Amritsar and got their statements recorded on 10.08.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.08.2018 to the effect that the parties have willfully settled their differences and reached at *bona fide* compromise without any pressure and the same seems to be genuine.

The statement made by respondent No.2-complainant Kanwaljit Singh, who is author of the FIR before learned Magistrate reads as under:

“Stated that I have got registered FIR No.601 dated 9.12.2017 under section 307, 341, 323, 506, 148, 149 IPC and 25, 54, 59 Arms Act, P.S. Civil Lines, Amritsar against accused Sarabjit Singh alias Sabha son of Puran Singh aged about 34 years village Fattewal, Tehsil Ajnala District, Amritsar, Mantej Singh son of Lakhwant Singh aged about 34 years, r/o village Morey Tehsil Ajnala District Amritsar, Lakhbir Singh son of Ajit Singh aged about 23 years, Bachittar Singh son of Ajit Singh, aged about 29 years, both residents of village Chak Mistri Khan, Tehsil Ajnala District, Amritsar. Now with the intervention of respectable I have arrived at the compromise with the accused out of my free will and willful consent and there is no pressure or coercion upon me. I have no objection, if the FIR No.601 dated 9.12.2017 under section 307, 341, 323, 506, 148, 149 IPC and 25,54,59 Arms Act, P.S. Civil Lines, Amritsar, be quashed.

Court Que. How many persons arrayed as accused in this case?

Ans:- There were only four persons arrayed as an accused in this case.”

Learned counsel for the petitioners has argued that though there is an allegation of use of fire arm, but no fire arm injury has been caused to any of the injured/complainant and as such, the case of the petitioners is covered with the ratio of law laid down by Hon'ble Supreme Court in ***Narinder Singh and others Versus State of Punjab and another 2014(2) RCR (Criminal) 482.***

On the other hand, learned State counsel and learned counsel for the respondent No.2 have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as well as in ***Narinder Singh and others' case (supra)***, the present petition is allowed and the FIR No.601 dated 09.12.2017 under Sections 307, 341, 323, 506, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Civil Lines, District Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise

dated 06.01.2018 (Annexure P-2), however, subject to payment of costs of Rs.20,000/- by the petitioners (Rs.5,000/- each) to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of 15 days from today.

December 10, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No