

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-44902-2018

Date of Decision: 13.12.2018

Deepak Kumar @ Mahajan and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. P.S. Baidwan, Advocate for
Mr. Sultan Singh Gill, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.96 dated 07.08.2018 under Sections 307, 324, 323, 148, 149 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.08.2018 (Annexure P-2).

This Court vide order dated 11.10.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

learned Addl. Chief Judicial Magistrate, Gurdaspur, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.11.2018 to the effect that the compromise effected between the parties is genuine, voluntary and is free from any threat, pressure or undue influence.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Kabal Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 13.11.2018. The same is reproduced as under:-

“Stated that FIR bearing No.96 dated 07.08.2018 under Section 307, 324, 323, 148, 149 of IPC, and Section 25 of the Arms Act Police Station Sadar Gurdaspur, was registered at my instance against Deepak Kumar @ Mahajan, son of Mohan Lal, resident of Mohala Shekhwan, Kalanaur, Tehsil and District Gurdaspur, Arvinder Singh son of JP Singh resideint of Mohala Azad Nagar Amritsar, District Amritsar, Davinderjeet Singh Bajwa son of Amrik Singh, resident of 5556 B block, Grater Kailash, Batala, Tehsil Batala and District Gurdaspur, Puran Chand @ Piasa son of Jagru Ram resident of out side Khazoori Gate, Jassa Singh Hall, Batala, District Gurdaspur and Raschpal Singh @ Manga son of Kabal Singh, resident of village Dhun, Tehsil Patti District Tarntaran. Now the matter has been compromised between us and the petitioner aforementioned with the intervention of respectables. The said compromise is voluntarily and genuine and is without any coercion or undue influence. The said FIR was registered against the aforementioned petitioners only. None of them have been declared proclaimed offender. I have no objection if the present FIR quashed.”

Apart from above, a similar statement has also been made by

respondent No.3-Gurpreet Singh, whereby he has shown no objection to the present FIR being quashed.

Learned counsel for the petitioners states that the matter has been compromised between the parties. He further states that though there is an allegation against the petitioners of use of a fire-arm, but no injury has been caused to anybody and there is no impediment to quash the FIR in view of law laid down by the Hon'ble Apex Court in ***Narinder Singh & others Versus State of Punjab and another 2014(2) R.C.R. (Criminal) 482.***

Learned State counsel has argued that it being a case under Section 307 IPC, the matter cannot be compromised in view of ***Narinder Singh's case*** (supra). However, he does not dispute the factum of compromise between the parties.

Since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R as chances of conviction are bleak.

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's case*** (supra), this petition is allowed and FIR No.96 dated 07.08.2018 under Sections 307, 324, 323, 148, 149 IPC, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Sadar, Gurdaspur, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 20.08.2018 (Annexure P-2),

subject to payment of costs of ₹10,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioners shall produce a receipt with the Registry.

December 13, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No