

CRM-M-48416-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48416-2017

Date of Decision: 11th May, 2018

Robin & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. G.S. Verma, Advocate, for the petitioner.
Mr. Dhruv Dayal, Sr. DAG, Punjab.
Ms. Manju Sharma, Advocate for respondents No.2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.171 dated 21.07.2017, under Sections 307, 379-B, 452, 323, 506, 427, 148, 149, 511 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC') and Section 25 of Arms Act, registered at Police Station Division No.5, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of the compromise dated 06.12.2017 (Annexure P-2) entered into between the parties.

The case came up for hearing on 18.12.2017 when this Court directed each of the petitioners to deposit a sum of Rs.25,000/- each i.e. total Rs.1,00,000/- with the office of Commissioner of Police, Ludhiana, for being forfeited to the State of Punjab within a period of eight weeks and meanwhile, parties were directed to appear before the trial Court/Illaq Magistrate and got recorded their statements and the Court was directed to send a report to this Court as to whether the compromise is genuine and

without any pressure or undue influence.

Counsel for the State, on instructions from ASI Ranjeet Singh, Division No.7, Ludhiana, accepts the factum that the said amount stands deposited.

Counsel for the petitioners states that in compliance with the order passed by this Court referred to above, parties appeared before the Judicial Magistrate Ist Class, Ludhiana, on 03.02.2018 when their statements were recorded. The Court, after recording the statements of the parties, submitted a report dated 19.02.2018, according to which, the compromise, which has been entered into between the parties, is found to be genuine, without any pressure or undue influence.

Counsel for respondents No.2 to 4 states that apart from respondents No.2 to 4, there are 3 other injured, namely, Hari Om, Rahul Tiwari and Roshni Tiwari but they also do not have any objection to the quashing of the FIR as there is a compromise entered into between the parties.

Keeping in view the above facts, counsel for the petitioners prays that the present petition be allowed by quashing the FIR and all other consequential proceedings arising therefrom.

Keeping in view that the parties have amicably resolved their dispute and respondents No.2 to 4 and other injured are all related to each other, it would be in the interest of justice that the matter is brought to an end so that there is no further dispute or heart burning between the parties. Moreover, there is no allegation with regard to the use of firearm nor it has

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been pointed out that any recovery, which would bring it within the ambit of Arms Act, has been effected from any of the petitioners.

In the light of the compromise dated 06.12.2017 (Annexure P-2) and the report dated 19.02.2018 submitted by the Judicial Magistrate Ist Class, Patti, where the said compromise has been found to be genuine and valid and the ratio of latest judgment of the Hon'ble Supreme Court in *Criminal Appeal No.1723 of 2017*, titled as '*Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another*', decided on 04.10.2017 and in the judgment of *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.171 dated 21.07.2017, under Sections 307, 379-B, 452, 323, 506, 427, 148, 149, 511 and 34 of IPC and Section 25 of Arms Act, registered at Police Station Division No.5, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners only.

(AUGUSTINE GEORGE MASIH)
JUDGE

11th May, 2018
Harish

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