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CRM-M-48641-2017 &
CRM-M-49304-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 11th May, 2018

CRM-M-48641-2017

Balpreet Singh @ Boni & others

...Petitioners

Versus

State of Punjab & another

...Respondents

(2)

CRM-M-49304-2017

Amanpreet Singh @ Aman & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners in CRM-M-48641-2017 &
for respondent No.2 in CRM-M-49304-2017.

Mr. Deepak Kumar Bartia, Advocate,
for the petitioners in CRM-M-49304-2017 &
for respondent No.2 in CRM-M-48641-2017.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to dispose of two petitions filed under Section 482 Cr.P.C., i.e. CRM-M-48641-2017, titled as 'Balpreet Singh @ Boni & others Vs. State of Punjab & another' and CRM-M-49304-2017, titled as 'Amanpreet Singh @ Aman & others Vs. State of Punjab & another'.

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In CRM-M-48641-2017, prayer is for quashing of FIR No.68 dated 17.05.2017, under Sections 307, 323, 324, 148 & 149 of the Indian Penal Code (hereinafter referred to as 'IPC') and Sections 25 & 27 of Arms Act (Section 307 of IPC was deleted lateron), registered at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom and in CRM-M-49304-2017, prayer is for quashing of DDR No.34 dated 20.05.2017, under Sections 307, 324, 148 & 149 of IPC and Section 25 of Arms Act, registered at Police Station City Batala, Police District Batala, District Gurdaspur (Annexure P-1) in the light of compromise dated 27.05.2017 (Annexure P-2 in both the petitions) entered into between the parties.

Vide order dated 19.12.2017 passed in CRM-M-48461-2017 and order dated 21.12.2017 passed in CRM-M-49304-2017, this Court had ordered the parties to appear before the Illaqa Magistrate/trial Court on 10.01.2018 and get their statements recorded with reference to the genuineness of the compromise dated 27.05.2017 and Court concerned was directed to submit its report as to whether the said compromise is without any undue influence or coercion.

In pursuance to the directions issued by this Court, parties appeared before the Sub Divisional Judicial Magistrate, Batala, on 10.01.2018 and got recorded their respective statements supporting the factum of compromise referred to above. On the basis of the statements of the parties, reports dated 15.01.2018 have been submitted by the Sub

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Divisional Judicial Magistrate, Batala, wherein, it has been concluded that the compromise which has been entered into between the parties is genuine and made voluntarily, without any coercion or undue influence from any side.

In the light of the reports of Sub Divisional Judicial Magistrate, Batala, counsel for the petitioners and private respondents submit that these petitions may be allowed and the FIR along with DDR be quashed as the dispute has been amicably resolved between the parties and they do not intend to pursue the same any further.

Keeping in view the fact that the matter has been amicably resolved between the parties and the compromise dated 27.05.2017 entered into between the parties, which has been found to be genuine as per the reports of Sub-Division Judicial Magistrate, Batala and no recovery has been effected of the weapon, the continuation of proceedings before the trial Court would be a futile exercise and rather, wastage of time and energy, which cannot be permitted.

Keeping in view the factum of compromise having been entered into between the parties and in the light of 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

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judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petitions are allowed. FIR No.68 dated 17.05.2017, under Sections 307, 323, 324, 148 & 149 of IPC and Sections 25 & 27 of Arms Act (Section 307 of IPC was deleted lateron), registered at Police Station City Batala, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom and DDR No.34 dated 20.05.2017, under Sections 307, 324, 148 & 149 of IPC and Section 25 of Arms Act, registered at Police Station City Batala, Police District Batala, District Gurdaspur along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners.

11th May, 2018

Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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