

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

**Criminal Misc. No.M-48718 of 2017
Date of Decision: 02.08.2018**

Husandeep Singh and another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Ritesh Pandey, Advocate
for the petitioners.

Mr.S.P.S.Tinna, Addl. A.G. Punjab.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.181 dated 08.08.2016 under Sections 307, 427 and 34 IPC and Sections 25 and 27 of the Arms Act, 1961 registered at Police Station Civil Line Batala, Tehsil Batala, Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom on the basis of compromise dated 01.12.2017(Annexure P-2).

Learned counsel for the petitioners contends that though the offence under Section 307 IPC has been added in the FIR, however same falls within the parameters laid down by Hon'ble Apex Court in **Narinder Singh and others Vs. State of Punjab and another, 2014(2) R.C.R. (Criminal) 482**, as the present is a case of no injury. The fire shot did not injure anybody and has only hit the Car of the complainant. Therefore,

there is no impediment to quash the FIR under Section 307 IPC on the basis of compromise.

This Court vide order 20.12.2017 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 12.01.2018 to the effect that the compromise effected between the parties is genuine and voluntary and they have given their statements out of their own free will and without any undue influence.

Though, today no one is present on behalf of respondent No.2, namely, Ranjit Singh son of Hardeep Singh, but no prejudice would be caused to him, as he has already made a statement with regard to compromise before the learned Magistrate on 02.01.2018. The statement made by respondent No.2/complainant-Ranjit Singh, reads as under:-

“Stated that with the intervention of the respectables and relatives the matter has been compromised by me with the accused Husandeep Singh son of Harinder Singh @ Harvinder Singh aged about 19 years R/o Village Shahbad, Tehsil Batala, District Gurdaspur and the compromise is genuine and of my own free will and without any pressure and any influence. I have no objection if the FIR no.181 Dated 08.08.2016 P.S.Civil Line be quashed by the Hon'ble High Court of Punjab and Haryana.

Learned State counsel does not dispute any injury, though, states that petitioners have tried to injure the complainant, but luckily the complainant had escaped.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, as well as **Narinder Singh's case (supra)**, this petition is allowed and FIR No.181 dated 08.08.2016 under Sections 307, 427 and 34 IPC and Sections 25 and 27 of the Arms Act, 1961 registered at Police Station Civil Line Batala, Tehsil Batala, Police District Batala, District Gurdaspur and subsequent proceedings arising therefrom, are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2), subject to the payment of costs of Rs. 15,000/- to be paid to Blind School, Sector-26, Chandigarh, the receipt of which be produced with the Registry of this Court within one month from today, failing which the present petition shall deemed to be dismissed.

02.08.2018

Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`