

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

CRM No. M-49280 of 2017 (O&M)

Date of Decision: 28.03.2018

Gursewak Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Amit Arora, Advocate,
for the petitioners.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. P.S.Kanwar, Advocate,
for respondent No.2.

TEJINDER SINGH DHINDSA, J.(ORAL)

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.219 dated 19.10.2017, under Sections 307/324/326/341/34 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran (Section 307 IPC and 25/27/54/59 of Arms Act were deleted).

Since quashing of the FIR was being sought on the basis of compromise, this Court on 08.02.2018 had directed the parties to appear before the trial Court/Illaq Magistrate concerned for recording of their statements in support of the compromise and a report with regard to veracity of the compromise was called for.

Placed on record is a report dated 07.03.2018 of the Additional Chief Judicial Magistrate, Tarn Taran and a perusal thereof would reveal that the statements of the complainant, namely, Shamsher Singh as also of the accused/petitioners herein,

namely, Gursewak Singh and Manjit Singh alias Kundi have been duly recorded. It has been opined that a compromise/settlement has been arrived at between the parties and which is without any pressure or coercion.

Briefly it may be noticed that FIR had been registered on the statement of Shamsheer Singh in relation to an occurrence dated 19.10.2017. Allegations were that Gursewak Singh had fired from a gun and Manjit Singh had delivered a kirpan blow which had landed on the upper part of the wrist of the right hand of the complainant.

The uncontroverted position is that the complainant has not suffered any firearm injury. The injury attributed to petitioner No.2, namely, Manjit Singh and which has attracted offence under Section 326 IPC is on the wrist of the right hand of the complainant.

Apparently with the intervention of the respectables a settlement has been arrived at between the parties even prior to the trial having commenced.

Counsel representing the complainant also concedes to the factum of the compromise and submits that he would have no objection to the quashing of the FIR on the basis of settlement arrived at between the parties.

A Full Bench of this Court in **Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052** has taken a view that in appropriate cases this Court in exercise of its powers under Section 482 Cr.P.C. can intervene and bring to an end the criminal prosecution in the light

of compromise that may have been effected between the parties, even in relation to non-compoundable offences.

Adverting back to the facts of the present case, the parties have amicably resolved the dispute. In the light of the compromise having been effected between the parties, it would be a futile exercise for the criminal proceedings to continue as such. It would be construed as an abuse of the process of law as also of the Court.

For the reasons recorded above, the present petition is allowed. FIR No.219 dated 19.10.2017, under Sections 307/324/326/341/34 IPC and Sections 25/27/54/59 of Arms Act, (Section 307 IPC and 25/27/54/59 of Arms Act were deleted) registered at Police Station Sadar Tarn Taran, District Tarn Taran and all proceedings emanating therefrom stand quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

28.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No