

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

CRM-M No. 9180 of 2016

Date of decision: 19.02.2018

Jasvir Singh and anr.

.....Petitioners

Versus

State of Punjab and anr.

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ranjit Singh Sidhu, Advocate for
Mr. G.S. Nahel, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. Sidharath Gupta, Advocate, for respondent No. 2.

MAHABIR SINGH SINDHU, J. (ORAL)

The petition is filed praying for quashing FIR No.14 dated 12.02.2015, under Sections 336/506/34 IPC and 25/27/54/59 of Arms Act, registered at Police Station Amargarh, District Sangrur on the basis of compromise entered into between the parties.

2. It has been jointly submitted by both the parties that matter has been compromised and in pursuance of the order of this Court passed on 10.11.2016, the statements of both the parties have been recorded by learned Judicial Magistrate Ist Class, Malerkotla and report dated 28.11.2016 to this effect has been submitted, which *inter alia* reveals that compromise entered into between the parties is genuine, voluntary and without any pressure or coercion. Even before this Court also none of the parties is having any objection in case the FIR No. 14 dated 12.02.2015, along with all consequential proceedings are quashed.

3. Although, the learned State counsel has raised an objection that

recovery was made from both the petitioners, therefore, petition deserves to be dismissed. But in reply dated 21.04.2016 filed on behalf of State of Punjab, it has been stated that petitioner No. 2 opened the fire in air only with the licensed revolver of Jasvir Singh-Petitioner No. 1 and there was no fire arm injury to any one.

4. Heard both the side and perused the paper book.

5. There is no dispute that matter has been compromised and both the parties have decided to live in peace. Even it has been pointed out by learned State counsel that charges in this case were framed way back on 13.01.2016 and till date no prosecution witness has been examined. It seems that prosecution is not interested in pursuing the matter in view of the compromise by both the parties.

6. Admittedly the weapon was licensed and there is no fire arm injury to anyone. Therefore, even chances for conviction under Arms Acts are also very remote.

7. Inasmuch as the dispute between the parties has been amicably settled and they have already entered into compromise, continuance of the prosecution would be an exercise in futility. Therefore, the aforesaid FIR alongwith all consequent proceedings resulting therefrom qua petitioners are quashed and set aside.

8. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

19.02.2018

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| 1. | Whether reportable? | Yes / No |
| 2. | Whether reasoned / speaking? | Yes / No |