

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

CRM-M-518 of 2018

Date of Decision: 24.07.2018

Chanan Singh and another ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. D.S. Pheruman, Advocate
for the petitioners.

Mr. Sukhbeer Singh, A.A.G. Punjab.

Mr. G.S. Bajwa, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

Reply by way of affidavit of Sulakhan Singh, PPS, Deputy Superintendent of Police, Sub Division Valtola, Camp at Bhikhiwind, District Tarn Taran, on behalf of respondent No.1 filed by the State in Court today is taken on record.

2. In this petition, petitioners have sought for quashing of FIR No.44 dated 07.06.2016 registered under Sections 307/427/34 IPC read with Section 25/27/54/59 Arms Act at Police Station Khalra District Tarn Taran on the basis of compromise (Annexure P-2).

3. Present FIR is out-come of some altercation between the petitioners and respondent Nos.2 and 3. Parties arrived at compromise with the intervention of respectable and friends on 27.1.2018 (Annexure P-7).

4. Parties have entered into a compromise vide Annexure P-2. This Court by order dated 21.05.2018 directed the parties to appear before the Illaqa Magistrate for recording their statements with regard to veracity

of compromise. It has been recorded by the Sub Divisional Judicial Magistrate, Patti and a report in this regard has been sent to this Court vide letter dated 05.06.2018 according to which compromise is genuine one.

5. Learned counsel for the petitioner submitted that FIR register under Section 307 IPC i.e. Attempt to murder can be quashed keeping in view the fact of the case that police filed cancellation report after its approval in the Court and what remains in the matter is the order dated 13.6.2017 vide which Judicial Magistrate Ist Class, Patti, District Tarn Taran ordered further investigation. FIR is now pending investigation in view of the order dated 13.06.2017.

6. Heard the learned counsel for the parties.

7. In view of the law laid down in Narinder Singh v. State of Punjab; 2014 (6) SCC 466 as well as having regard to the above submission and para-2 of the reply filed by the State, no useful purpose will be served by continuing the criminal proceedings. Therefore, the present petition is allowed and FIR No.44 dated 07.06.2016 registered under Sections 307/427/34 IPC read with Section 25/27/54/59 Arms Act at Police Station Khalra District Tarn Taran alongwith all consequential proceeding arising out of this FIR are hereby quashed subject to payment of litigation cost of Rs.5000/- by each of the petitioner. Cost shall be remitted in the Treasury, State of Punjab, within a period of 2 months from today.

24.07.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No