

263.

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

CRM-M-6267-2018

Date of decision:20.08.2018

AMRITPAL SINGH ALIAS AMANPAL AND ORS ... Petitioners

Versus

STATE OF PUNJAB AND ORS Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

 Mr. Surinder Pal Singh Tinna, Additional Advocate General,
 Punjab, for respondent No.1.

 None for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.266 dated 29.11.2015 registered under Sections 307, 452, 324, 325, 148, 149, 336 IPC and Section 25 of Arms Act, 1959, at Police Station Jandiala Guru, Amritsar, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 10.02.2018 (Annexure P-2).

This Court vide order dated 19.02.2018 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional District and Sessions Judge, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 15.03.2018 to the effect that the compromise effected between the parties is bonafide, without any pressure or coercion and the same is genuine.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Davinder Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 15.03.2018. The same is reproduced as under:-

“Stated that FIR no.266 dated 29.11.2015, U/S 307/452/324/325/336/148/149 of IPC & Sec.25/54/59 of Arms Act was registered against Amritpal Singh alias Amarpal, Jobanjit Singh, Rajdeep Singh @ Rajbir Singh and Jaskaran Singh on my statement. A compromise has been effected between me and accused party with the intervention of respectables. This compromise is without any pressure, force or coercion with my free will. The compromise between me and accused party is genuine and valid. No other case is pending between me and the accused party in any Court. None of the person involved in this case/dispute has been declared as proclaimed offender. I have no objection if the above said FIR is quashed against the accused party.”

Apart from above, a similar statement has been made by the injured Sunil Kuwar-respondent No.3, whereby he has shown no objection to the FIR being quashed.

Though the case has been registered under Section 307 IPC, but the counsel for the petitioners has pointed out that no injury was caused to anybody as the gunshot was in the air and there is no impediment if the FIR

Singh & others Versus State of Punjab and another 2014(2) R.C.R. (Criminal) 482.

Learned State counsel has not disputed the factum of compromise between the parties. He, on instructions from ASI Balwinder Singh, also states that no one was injured in the case.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303** as well as in **Narinder Singh's case** (supra), this petition is allowed and F.I.R. No.266 dated 29.11.2015 registered under Sections 307, 452, 324, 325, 148, 149, 336 IPC and Section 25 of Arms Act, 1959, at Police Station Jandiala Guru, Amritsar, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 10.02.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.08.2018

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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No