

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

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CRM-M No.8311 of 2018

Date of Decision: May 16th, 2018

Roop Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Ms. Arti Kataria, Advocate
for Mr. Dilpreet Singh Gandhi, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.70 dated 21.10.2017 registered under Sections 307, 148, 149, 506 IPC and Sections 25 and 27 of Arms Act at Police Station Khemkaran, District Tarn Taran, and all consequential proceedings arising therefrom on the basis of a compromise dated 12.02.2018 (Annexure P-2).

On 27.02.2018, following order was passed when the case was taken up for hearing:-

“Learned counsel for the petitioners submits that the dispute has been settled amicably between the parties and the instant petition has been filed for quashing of the FIR in question on the basis of the said compromise.

Notice of motion for 02.04.2018.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State. At this stage, Mr. Dilpreet Singh Gandhi, Advocate puts in appearance on behalf of the respondent No. 2 and files his power of attorney. He admits

*to the factum of compromise entered into between the parties.
Let copy of the paper book be supplied to both the opposite
counsel during the course of the day.*

Service is complete.

*Meanwhile, the parties are directed to appear before
learned trial Court/Illaq Magistrate on **12.03.2018** or any
other date convenient to the trial Court/Illaq Magistrate to
get their statements recorded regarding compromise. The
learned trial Court/Illaq Magistrate is directed to send the
report regarding the genuineness of compromise after
recording the statements of the parties and also to intimate
whether any other case or PO proceeding is pending against
the petitioners. Let the report be submitted on or before the
date fixed i.e. **02.04.2018**.”*

In compliance with the said order, parties appeared before the
Judicial Magistrate Ist Class, Patti, on 12.03.2018 and got recorded their
respective statements.

In pursuance to the said statements, learned Judicial Magistrate
Ist Class, Patti, has submitted report dated 30.03.2018, wherein it has been
opined that the compromise entered into between the parties is genuine,
voluntary, without any coercion or undue influence and with their free will.
. The said Court has proceeded to conclude on the basis of the statement of
the parties that the compromise which have been entered into between the
parties are voluntary, without any fear, coercion or undue influence.

Counsel for the petitioners, in view of the fact that the
compromise has been entered into between the parties and also the fact that
report has come in favour of the petitioners to the effect that the
compromise is genuine, prays for quashing of the FIR in question and all
consequential proceedings arising therefrom.

Counsel for the complainant acknowledges the factum of compromise and states that the complainant has no objection to the prayer made by the counsel for the petitioners and that the FIR and all consequential proceedings arising therefrom be quashed.

Counsel for the State informs the Court that the weapon is a licenced one and that although it has been used but no one has been injured. This factum is also acknowledged by the counsel for the complainant as also the counsel for the petitioners.

In view the above that no one has been injured and the weapon used is licenced weapon with a compromise having been entered into between the parties which has been found to be genuine, interest of justice would be duly served if the FIR in question and all consequential proceedings arising therefrom are quashed as parties have made an effort to bring their differences to an end and the Court should, under such circumstances, keeping in view the larger interest of the society, proceed to finish the dispute at the threshold itself. In any case, continuation of the proceedings would be a futile exercise in the light of the compromise and, therefore, the interest of justice would be duly served by allowing the present petition keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017.

Ordered accordingly.

FIR No.70 dated 21.10.2017 registered under Sections 307, 148, 149, 506 IPC and Sections 25 and 27 of Arms Act at Police Station Khemkaran, District Tarn Taran and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No