

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19279-2018

Date of Decision:06.08.2019

Kulwinder Singh and another

...Petitioners

Versus

The State of Punjab and another

...Respondent(s)

CRM-M-19244-2018

Mangal Singh and another

...Petitioners

Versus

The State of Punjab and others

...Respondent(s)

CRM-M-19283-2018

Mangal Singh and others

...Petitioners

Versus

The State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Nemo.

ANIL KSHETARPAL, J.

This order shall dispose of all the three above-mentioned petitions bearing numbers CRM-M-19279-2018, CRM-M-19244-2018, and CRM-M-19283-2018 arising out of impugned FIRs and cross-version case/DDR.

Petitioners have approached this Court by way of petitions under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.45 dated 18.05.2017 under Sections 307 and 34 IPC (Section 323 added later on) and Section 27 of Arms Act and its cross-version case/DDR No.45 dated 18.05.2017 under Sections 307 and 34 IPC (Section 323 added later on) and FIR No.7 dated 09.01.2017 under Sections 452, 506, 326, 324, 323, 148 and 149 IPC registered at Police Station Fatehgarh Churian, Police District Batala and the consequential proceedings arising therefrom, on the basis of compromise.

Notice of motion was issued.

In these cases, both the parties alleged to have used firearms which had hit on the legs to persons belonging to both the parties. All the parties are residents of same village i.e. Baddowal Khurd. It is debatable as to whether offence under Section 307 IPC is made out or not.

In compliance of the order dated 15.01.2019 passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, the reports dated 06.07.2019 along with copy of compromise sent by the learned Judicial Magistrate 1st Class, Batala, have been received in all the cases, which are available on record of the case along with the statements of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

After going through the reports of the trial court as well as the case files, this Court is of the considered opinion that these are fit cases for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C.,

so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.45 dated 18.05.2017 under Sections 307 and 34 IPC (Section 323 added later on) and Section 27 of Arms Act and its cross-version case/DDR No.45 dated 18.05.2017 under Sections 307 and 34 IPC (Section 323 added later on) and FIR No.7 dated 09.01.2017 under Sections 452, 506, 326, 324, 323, 148 and 149 IPC registered at Police Station Fatehgarh Churian, Police District Batala and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, all these three petitions are allowed.

06.08.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No