

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4476-2018 (O&M)

Date of Decision:- 30.1.2019

Kulwinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr.Amandeep Singh, Advocate, for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. Ankit Kharbanda, Advocate, for respondents No.2 to 4.

GURVINDER SINGH GILL, J. (Oral)

The present petition has been filed for quashing of DDR No.15, dated 8.4.2016, under Sections 307, 452, 323, 324, 148 and 149 IPC and Section 25 of Arms Act, arising out of FIR No. 43, dated 3.4.2016, registered at Police Station Lopoke, Amritsar Rural, under Sections 307, 323, 324, 148 and 149 IPC and Section 25 of Arms Act and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 15.2.2018 the parties had been directed to appear before the Illaqa Magistrate/trial Court so as to get the statements recorded.

Report of learned Judicial Magistrate 1st Class, Ajnala, has been received to the effect that statement of complainant Nirmal Singh, injured

Harchand Singh @ Chand and also of petitioners/accused Kulwinder Singh, Darshan Singh, Sonu @ Taljinder Singh, Satinder Singh @ Satinder Bir Singh @ Ghula, Vajir Singh @ Wazir Singh, Gimmi @ Karambir Singh, Major Singh @ Major Singh Dhariwal @ Gendi, Sahib Singh @ Sahab Singh, Moola Singh @ Lakhbir Singh @ Mulla and Jobanjeet Singh @ Jobandeep Singh have been recorded to the effect that they have entered into a compromise with the intervention of respectables. The complainant and injured have specifically stated that the matter has been compromised and they do not want to pursue with the matter. Learned Judicial Magistrate 1st Class, Ajnala opined that the compromise arrived between the parties is voluntary, without any pressure or undue influence.

In view of the aforesaid report and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and DDR No.15, dated 8.4.2016, under Sections 307, 452, 323, 324, 148 and 149 IPC and Section 25 of Arms Act, arising out of FIR No. 43, dated 3.4.2016, registered at Police Station Lopoke, Amritsar Rural, under Sections 307, 323, 324, 148 and 149 IPC and Section 25 of Arms Act and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

January 30, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No