

CRM-M-33908-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CRM-M-33908-2019

Date of Decision: September 21st, 2020

Hardeep Kumar & others

...Petitioners

Versus

State of Punjab & another

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Ms.Sapna Khurana, Advocate for
Mr. Sumit Passi, Advocate
for respondent No.2 – complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

In compliance with the order dated 16.09.2020 passed by this Court, an amount of Rs.10,000/- stands deposited with the Punjab and Haryana High Court Bar Association, Chandigarh Disaster Management Relief Fund.

On 21.08.2019, following order was passed:-

“Learned counsel refers to Annexure P-1 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.51 dated 05.07.2011 (Annexure P-2) under Sections 452, 326, 324, 148 and 506 read with Section 149 of Indian Penal

Code registered at Police Station Kathu Nangal, District Amritsar Rural.

Notice of motion for 05.11.2019.

At the asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Sumit Passi, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 17.09.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-

1. Number of persons arrayed as accused in FIR.
2. Whether any accused is proclaimed offender.
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
4. Whether the accused persons are involved in any other case or not.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

In pursuance to the above order passed by this Court, parties appeared before the Additional Chief Judicial Magistrate, Amritsar, on

10.09.2019 and got recorded their respective statements. On the basis of those statements, learned Additional Chief Judicial Magistrate, Amritsar, has submitted his report dated 10.09.2019, which has been forwarded on 11.09.2019, in which it has been concluded that the Court is satisfied that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. None of the accused is a proclaimed offender and there is only one person who is effected i.e. the complainant.

Learned counsel for the petitioner has pointed that Sections 25 and 27 of the Arms Act, 1959, which was initially mentioned in the FIR stand dropped. This, he asserts on the basis of the order dated 14.02.2020 (Annexure P-6). Learned counsel for the parties submit that the compromise which has been entered into between the parties stands confirmed and verified to be genuine and therefore, the FIR in question be quashed.

In view of the above, it is apparent that the compromise entered into between the parties is genuine. The matter has been amicably resolved between the parties and the complainant is not interested in pursuing the FIR, which was got registered by him. No useful purpose would be served by proceeding further in the matter.

In the light of the above and the ratio of judgment of the Hon'ble Supreme Court in ***Criminal Appeal No.1723 of 2017***, titled as '***Parbatbhai Aahir @ Parbhabhai Bhimsinhbhai Karmur & others Vs. State of Gujarat & another***', decided on 04.10.2017 and in the judgment of

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Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482 as also the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, the present petition is allowed. FIR No.51 dated 05.07.2011, under Sections 452, 326, 324, 148 and 506 read with Section 149 of Indian Penal Code & Sections 25 and 27 of the Arms Act, registered at Police Station Kathu Nangal, District Amritsar Rural (Annexure P-2), along with all subsequent proceedings arising therefrom are hereby quashed qua the present petitioners only.

September 21st, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No