

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

CRM-M-589-2021.

Decided on:- March 24, 2021.

Deep Behniwal alias Gurdeep Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Surinder Garg, Advocate
for the petitioners.

Mr. Randhir Singh Thind, D.A.G., Punjab
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioners Deep Behniwal alias Gurdeep Singh, Laddi Gill alias Surinder Singh and Bheja Dhillon alias Gurbhej Singh have filed this petition under Section 482 Cr.P.C. for quashing of FIR No.158 dated 21.12.2020 under Sections 307, 324, 323, 506, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Sadar Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of Panchayati compromise dated 25.12.2020 (Annexure P-2).

This Court vide order dated January 07, 2021 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant Iqbal Singh have appeared before learned Judicial Magistrate 1st Class, Faridkot and got their statements recorded on 10.02.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 19.02.2021 to the effect that the parties have voluntarily entered into compromise and the compromise is genuine and without any coercion or undue influence.

Though no one has put in appearance on behalf of respondent No.2-complainant Iqbal Singh, but it would not cause any prejudice to him as he has already made a statement before learned Magistrate in support of compromise on 10.02.2021, which reads as under:

“That the present FIR has got registered by me against five accused namely Deep Behniwal @Gurdeep Singh petitioner no.1, Laddi Gill @ Surinder Singh petitioner no.2, Bheja Dhillon @ Gurbhej Singh petitioner no.3 and two unknown persons. Now, with the intervention of the relatives and respectables, the matter between me and petitioners namely Deep Behniwal @ Gurdeep Singh petitioner no.1, Laddi Gill @ Surinder Singh petitioner no.2, Bheja Dhillon @ Gurbhej Singh petitioner no.3 has been compromised amicably. The compromise between me and petitioners i.e. Deep Behniwal @ Gurdeep Singh, Laddi Gill @ Surinder Singh, Bheja Dhillon @ Gurbhej Singh is genuine, voluntary and without any coercion or undue influence. Five persons namely Deep Behniwal @ Gurdeep Singh, Laddi Gill @

Surinder Singh, Bheja Dhillon @ Gurbhej Singh and two unknown persons have been arrayed as accused in this case. None of the accused/petitioners has been declared proclaimed offender. I have no objection if FIR of present case be quashed."

Learned counsel for the petitioners has argued that though there is an allegation of use of fire arm, but no fire arm injury has been caused to any of the injured/complainant and as such, the case of the petitioners is covered with the ratio of law laid down by Hon'ble Supreme Court in ***Narinder Singh and others Versus State of Punjab and another 2014(2) RCR (Criminal) 482.***

Learned State counsel has not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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 and others' case (supra)***, the present petition is allowed and the FIR No.158 dated 21.12.2020 under Sections 307, 324, 323, 506, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Sadar Kotkapura, District Faridkot (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of Panchayati compromise dated

25.12.2020 (Annexure P-2), however, subject to payment of costs of Rs.10,000/- to be deposited by the petitioners with the Bar Association of this Court within a period of one month from today.

March 24, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No