

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39333-2020

Date of Decision:12.02.2021

Puneet Maheshwari and others

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Rajat Dogra, Advocate for
Mr. Karanjeet Singh Brar, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

Mr. Lovepreet Handa, Advocate,
for Mr. Bhupender Gupta, Advocate,
for the respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.27 dated 03.02.2017 under Sections 364, 307, 356, 427, 511, 148, 149 IPC and Section 25 and 27 of the Arms Act registered at Police Station Raman, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.11.2020 (Annexure P-2).

Learned counsel for the petitioners submits that present is a case of no injury and the matter has otherwise been compromised between the parties. He further submits that the police has conducted the investigation and at two different times cancellation report has been

prepared.

This Court vide order dated 26.11.2020 had directed the parties to appear before the trial Court to get their statements recorded and the learned trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Talwandi Sabo and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.01.2021 to the effect that the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.

Respondent No.2-complainant, namely, Vijay Kumar and injured respondent No.3, namely, Ashok Goel have made a joint statement with regard to compromise before learned Magistrate on 15.01.2021. The same is reproduced as under:-

“Stated that matter has been compromised with all the petitioners/accused namely Puneet Maheshwari, Manish Mittal, Gurbaj Singh and Ramesh Kumar, voluntarily and without any threat, coercion or undue influence. The present FIR, may kindly be quashed on the basis of the compromise.”

Learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

In view of the fact that present is a case of no injury and the matter has otherwise been compromised between the parties, this Court finds that there is no impediment to quash the FIR, in view of law laid down by the Hon'ble Apex Court in ***Narinder Singh & others Versus State of***

Punjab and another 2014(2) R.C.R. (Criminal) 482.

Since the matter has been compromised between the parties, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R as chances of conviction are bleak.

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's case* (supra), this petition is allowed and F.I.R. No.27 dated 03.02.2017 under Sections 364, 307, 356, 427, 511, 148, 149 IPC and Section 25 and 27 of the Arms Act registered at Police Station Raman, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.11.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.20,000/- to be deposited by the petitioners with the Bar Association of this Court within a period of two months from today.

February 12, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No