

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 114

CRM-M-38396-2019

Date of decision : 01.12.2021

Harjap Singh @ Happy and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Nitin Narula, Advocate, for the petitioners.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.Sandeep Sharma, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.13 dated 23.01.2017 registered under Sections 323, 148, 149 IPC (Section 307 IPC deleted later on) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Ajnala, Amritsar Rural, District Amritsar on the basis of a compromise dated 31.07.2018 (Annexure P-2) entered into between the parties.

On 16.01.2020 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court on 04.03.2020 for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the veracity of the compromise between the parties as also to apprise this Court whether there is any other accused other than the petitioners, arrayed in this petition and whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in this petition.

As directed, report dated 08.06.2020 from the Sub Divisional Judicial Magistrate, Ajnala has been received, as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at between them; only the petitioners are arrayed as accused; there is only one complainant who is arrayed as the respondent.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR where the investigation is at the initial stage; admittedly after inquiry offence under Section 307 IPC has been deleted and therefore now the offences for which the petitioners are accused of are not heinous and the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.13 dated 23.01.2017 registered under Sections 323, 148, 149 IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Ajnala, Amritsar Rural, District Amritsar and all proceedings arising therefrom qua the petitioners.

01.12.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No