

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

CRM-M-9451-2019

Date of Decision:- 20.04.2022

Harpreet Singh @ Happy & Ors.

... Petitioners

Versus

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Anupam Bhardwaj, Advocate
for the petitioners.**

Mr. M.S. Nagra, AAG Punjab.

**Mr. Jasdev Singh, Advocate
for respondents No.2 and 3.**

KARAMJIT SINGH, J.

Present petition is for quashing of FIR No.75 dated 26.06.2018 (Annexure P-1), registered under Sections 307, 148 and 149 IPC and Sections 25 and 27 of Arms Act, Police Station Chattiwind, District Amritsar on the basis of compromise/ affidavits dated 24.12.2018 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2 in which he alleged that following a dispute over division of land, his brother Jatinder Singh @ Saba (petitioner No.2) along with his accomplice formed an unlawful assembly and opened fire upon them with an intention to kill them but no one was injured. The other

petitioners were nominated as accused in the FIR on the basis of disclosure statement.

On notice of motion, respondent Nos.2 and 3 appeared in the Court through their counsel and pleaded that they have no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaq Magistrate was directed to record the statements of all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court Additional District & Sessions Judge, Amritsar along with statements of parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties

Learned counsel for the parties are *ad idem* that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion.

Admittedly, petitioner No.2 Jatinder Singh @ Saba who is the main accused in this case is real brother of respondents No.2 and 3. All three of them got recorded their statements before the Court of Additional

Sessions Judge, Amritsar with regard to the aforesaid compromise. Even their parents have also made similar statements before the aforesaid Court.

I am of the view that the aforesaid compromise is in the welfare and interest of the parties and will enable the parties to live in peace and enjoy their life in a dignified manner. Also there is no legal impediment in translating their wishes into reality by putting an end to the criminal prosecution initiated on the basis of FIR in question.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.75 dated 26.06.2018 (Annexure P-1), registered under Sections 307, 148 and 149 IPC and Sections 25 and 27 of Arms Act, Police Station Chattiwind, District Amritsar on the basis of compromise/ affidavits dated 24.12.2018 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

Needless to mention that both the parties will abide by the terms and conditions of the compromise Annexure P-2 in letter and spirit.

20.04.2022
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(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No