

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18716-2022

Date of decision :13.12.2022

Jasbir Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.P. Singh, Advocate
for the petitioners.

Mr. Jaiteshwar Singh, AAG, Punjab.

None for respondent No.2.

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.50 dated 28.06.2017, registered for the offences punishable under Sections 336, 379, 323, 506, 447, 511, 148 and 149 of IPC (Section 307 IPC added later on) and Sections 25/27 of Arms Act and Section 13A of Punjab Village Common Land Regulation Act, at Police Station Bhindi Saidan, Amritsar on the basis of compromise.

2. On 06.05.2022, the following order was passed:-

“CRM-16363-2022

1. The application is allowed, as prayed for.
2. Exemption from filing the certified copies of annexures, is granted, subject to all just exceptions.

CRM-16362-2022 in/and CRM-M-18716-2022

1. Notice to respondents.
2. Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, waives service of notice on behalf of respondent No. 1-State.

3. Dr. Rabia Gund, Advocate, has put in appearance on behalf of respondent No. 2, and, has filed vakalatnama on his behalf, in Court today, which is taken on record.

4. Before proceeding to quash FIR No. 50 of 28.06.2017 (Annexure P-1), registered at Police Station Bhindi Saidan, Amritsar Rural, constituting therein offences under Sections 336, 379, 323, 506, 447, 511, 148, 149 of the IPC (Section 307 of the IPC added later on); Section 25/27 of the Arms Act, and, Section 13A of the Punjab Village Common Land Regulation Act, it is deemed appropriate to make directions upon the Illaqa Magistrate concerned to, after summoning the petitioners, and, respondent No. 2, and, after recording their respective testifications, with respect to the voluntariness, and also, with respect to the authenticity of the compromise drawn amongst them, as embodied in Annexure P-2, to make a report with respect to the compromise (supra).

5. The learned Illaqa Magistrate is also directed to disclose in his report, (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed; (b) whether charge has been drawn against the accused; (c) whether the prosecution evidence has commenced; and (d) whether all the concerned have signed the compromise deed.

6. The afore made report be ensured to be transmitted to this Court within three weeks.

7. For the afore purpose, list on 18.08.2022.

8. Till the next date of hearing, the learned Judicial Magistrate concerned, may not draw any further proceedings, arising from the FIR (supra).

9. The application bearing CRM-16362-2022 seeking the staying of the further proceedings in FIR (supra), is disposed of.”

3. Pursuant to the aforesaid order, report from JMIC, Ajnala dated 19.05.2022 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“xx xx xx

From the aforementioned statements of the parties so got recorded by the Court, it clearly appears that the compromise inter-se the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence. In the Court as well, only the concerned parties, who had filed the present quashing petition before the Hon'ble High Court had made the statements.”

4. Counsel for the State submits that prosecution agency has already filed cancellation report in the present case on 01.10.2022 and he has no objection in case the FIR is quashed based upon the compromise.

5. In view of the cancellation report filed by the prosecution agency, bar as laid down in **State of Madhya Pradesh vs. Laxmi Narayan and others (2019) 5 SCC 688** will not be attracted.

6. Consequently, the petition is allowed. FIR No.50 dated 28.06.2017, registered for the offences punishable under Sections 336, 379, 323, 506, 447, 511, 148 and 149 of IPC (Section 307 IPC added later on) and Sections 25/27 of Arms Act and Section 13A of Punjab Village Common Land Regulation Act, at Police Station Bhindi Saidan, Amritsar and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

(PANKAJ JAIN)
JUDGE

13.12.2022

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Whether speaking/reasoned

Yes

Whether Reportable :

No