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2023:PHHC:111073

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

CRM-M-35426-2019

Date of decision: 24.08.2023

Baljinder Pal Singh @ Billa and others

....Petitioners.

Versus

State of Punjab and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Sharma, Advocate,
for Mr. Veneet Sharma, Advocate,
for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Deepak Aggarwal, Advocate,
for respondent No. 2.

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SANJIV BERRY, J.

By way of present petition filed under Section 482 Cr. P.C., petitioners seek quashing of FIR No. 138 dated 02.12.2018, under Sections 338/188/120B IPC and Section 25/27 of Arms Act, 1959, registered at Police Station Cantt. Bathinda, District Bathinda, (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 18.06.2019 (Annexure P-2) executed between the parties.

[2]. Learned State counsel has verified from Head Constable Jagdeep Singh, Police Station Cantt. Bathinda, District Bathinda, to contend that present FIR is registered under Section 336/188/120B, IPC read with Sections 25/27 of the Arms Act. He further contends that it is a case of no injury by use of weapon under the Arms Act.

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[3] With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 18.06.2019 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived at between the parties. Learned Additional Chief Judicial Magistrate, Bathinda, vide report dated 13.02.2020 has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

[3]. Respondent No. 2 is represented by his counsel and does not oppose the compromise.

[4]. In view of the aforesaid report of the learned Additional Chief Judicial Magistrate, Bathinda, and in view of the decision of the Hon'ble Supreme Court in "Gian Singh Vs. State of Punjab and another", 2012(4) RCR (Criminal) 543 and "Narinder Singh and Others Vs. State of Punjab and Another", (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainant/respondent No. 2 has himself compromised the dispute with the petitioners/ accused persons.

[5]. In the circumstances, the present petition is allowed. FIR No. 138 dated 02.12.2018, under Sections 336/188/120B IPC and Section 25/27 of Arms Act, 1959, registered at Police Station Cantt. Bathinda, District Bathinda, (Annexure P-1) and all consequential

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proceedings arising therefrom are hereby quashed on the basis of compromise dated 18.06.2019 (Annexure P-2) qua the present petitioners, however, subject to payment of costs of Rs. 15,000/- to be deposited by the petitioners with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

8. It is made clear that the aforesaid quashing shall be subject to deposit of the cost stated above.

(SANJIV BERRY)
JUDGE

24.08.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |