

(2019) 07 P&H CK 0016

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 48686 Of 2018

Pawandeep Singh And Others

APPELLANT

Vs

State Of Punjab And another

RESPONDENT

Date of Decision : 03-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 307, 427

Arms Act, 1959 — Section 25

Code Of Criminal Procedure, 1973 — Section 482

Citation : (2019) 07 P&H CK 0016

Hon'ble Judges : Harnaresh Singh Gill, J

Bench : Single Bench

Advocate : M.S. Bajwa, Rajat Bansal, Kanwaljeet Singh, J.S.Mahal

Final Decision : Allowed

Judgement

Harnaresh Singh Gill, J

The present petition has been filed for quashing of FIR No. 50 dated 18.9.2018 under Sections 307, 427, 148, 149 IPC and Section 25 of the Arms

Act, 1959, registered at Police Station Majitha Road, District Police Commissionerate Amritsar (Annexure P-1) and all consequential proceedings

arising therefrom on the basis of compromise dated 18.10.2018 (Annexure P-2) arrived at between the parties.

On 11.2.2019, the following order was passed by this Court:-

â??Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.50 dated 18.09.2018 registered under Sections

307, 427, 148 and 149 IPC and Section 25 of the Arms Act at Police Station Majitha Road, District Police Commissionerate, Amritsar, on the basis of

compromise

Learned counsel for the petitioners inter alia contends that offence under Section 307 IPC is not made out.

Petitioners are directed to deposit 15,000/- as a pre-condition for recording the statements, out of which ` 13,000/- shall be deposited with the Poor

Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and ` 2,000/- with the Bar

Association, Punjab and Haryana High Court. They can also opt to deposit the aforesaid amount of ` 13,000/- with the PGIMER online through its

website www.pgimer.edu.in and produce the receipt duly verified by their counsel. Thereafter, parties shall appear before the concerned trial

Court/Illaq Magistrate after having the receipt of amount of ` 15,000/- as above, who shall record their statements and send a report to this Court as

to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender,

till the next date of hearing.

Adjourned to 29.4.2019 for consideration.

To be shown in the urgent list.??

Learned counsel for the petitioners submits that order dated 11.2.2019 has been complied with by the petitioners and it has been prayed that the

present FIR may be quashed. He has relied upon a decision of this Court in Gurbaksh Singh and others versus State of Punjab CRM-M- 36590 of

2018.

The Judicial Magistrate Ist Class, Amritsar has sent his report dated 15.3.2019 wherein it is stated that in pursuance of the order of this Court,

statements of the parties were recorded and compromise effected between the parties is genuine and voluntary.

Since the order dated 11.2.2019 has been complied with, the matter stands compromised between the parties and statements of the petitioners as well

as complainant in this regard have been recorded, therefore, in view of the law laid down by the Hon'ble Supreme Court in Anita Maria Dias and

another versus State of Maharashtra and another? (2018) 3 SCC 290 and by this Court in Gurbaksh Singh's case (supra), no useful purpose will be

served by continuing the criminal proceedings.

Accordingly, the petition is allowed and FIR No. 50 dated 18.9.2018 under Sections 307, 427, 148, 149 IPC and Section 25 of the Arms Act, 1959,

registered at Police Station Majitha Road, District Police Commissionerate Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, qua the petitioners, are hereby quashed.