
(2014) 05 P&H CK 0241
In the Punjab And Haryana At Chandigarh
Case No : Crl. Misc. No. M 38213 of 2013

Roop Lal and Others

APPELLANT

Vs

State of Punjab and Another

RESPONDENT

Date of Decision : 19-05-2014

Acts Referred:

Arms Act, 1959 — Section 25, 27
Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 307, 323

Citation : (2014) 05 P&H CK 0241

Hon'ble Judges : Rekha Mittal, J

Bench : Single Bench

Advocate : A.S. Manaise, Advocate for the Appellant; Amarinder Singh Klar, AAG, Punjab for Respondent No. 1, Advocate for the Respondent

Final Decision : Allowed

Judgement

Rekha Mittal, J.—Through the present petition filed u/s 482 of the Code of Criminal Procedure (in short, "the Code"), the petitioners have prayed for quashing of FIR No. 116 dated 14.06.2009 registered in Police Station Civil Lines Batala, Police District Batala, District Gurdaspur for offence under Sections 307, 323, 148, 149 and Sections 25 and 27 of Arms Act and proceedings emanating therefrom on the basis of compromise dated 20.09.2013 (Annexure P2) arrived at between the parties.

2. Vide this Court's order dated 13.11.2013, the parties were directed to appear before the trial Court to get their respective statements recorded. Simultaneously, the trial Court was also directed to submit its report with regard to genuineness of the compromise arrived at between the parties.

3. Now, in compliance thereto, a report has been received from the Judicial Magistrate 1st Class, Batala and reading thereof, it transpires that the parties have entered into compromise voluntarily without any pressure or coercion.

4. Counsel for the petitioners submits that challan has been presented in the Court but charge is yet to be framed. It is further submitted that in the occurrence one person, namely Balbir Singh, author of the FIR, sustained injuries and he has entered into a compromise by way of an amicable settlement with the petitioners, therefore, there is no possibility of his supporting the case of the prosecution, in case the trial is allowed to continue and in the circumstances, it would be rendered a mere formality without any prospect of proceedings resulting in conviction of the accused.

5. Counsel for the State of Punjab has admitted the factual that the challan has been presented in the Court and charge has not been framed.

6. Respondent No. 2 is not present in Court to contest the averments.

7. Hon"ble the Supreme Court of India in Criminal appeal No. 686/2014 (arising out of SLP (Criminal) No. 9547 of 2013) titled Narinder Singh & Ors. Versus State of Punjab & Anr. (decided on 27.03.2014), observed that while exercising its powers u/s 482 of the Code, the High Court has to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Further held, the High Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

8. Keeping in view the authoritative enunciation of law laid down by Hon"ble the Supreme Court in Gian Singh Vs. State of Punjab and Another, and Narinder Singh & Ors. Versus State of Punjab & Anr. (decided on 27.03.2014) as well as and in the light of facts and circumstances of the present case coupled with genuineness of the compromise arrived at between the parties as reported by the trial Court, this Court is of the considered opinion that continuation of criminal proceedings would amount to abuse of process of law and it is expedient in the interest of justice that criminal proceedings are put to an end.

9. In this view of the matter, the petition is allowed and FIR No. 116 dated 14.06.2009 registered in Police Station Civil Lines Batala, Police District Batala, District Gurdaspur for offence under Sections 307, 323, 148, 149 and Sections 25 and 27 of the Arms Act and proceedings emanating therefrom stand quashed qua the petitioners.

10. In this view of the matter, the petitions are allowed and FIR No.