

(2018) 07 P&H CK 0188

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No. 28367 Of 2017

Sukhwinder Singh @ Kharku And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 26-07-2018

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 307
Arms Act, 1959 — Section 25, 27

Citation : (2018) 07 P&H CK 0188

Hon'ble Judges : Daya Chaudhary, J

Bench : Single Bench

Advocate : Sachin Ohri, Amit Mehta, Manoj Sharma

Final Decision : Allowed

Judgement

Daya Chaudhary, J

Petitioners, namely, Sukhwinder Singh @ Kharku, Gurwinder Singh @ Golu and Navjot Singh, have approached this Court by way of filling the present petition under Section 482 Cr.P.C. for quashing of FIR No.24 dated 18.03.2017 registered under Section 307 read with Section 34 of Indian Penal Code (for short 'IPC') and Sections 25 and 27 of the Arms Act at Police Station Sadar Batala, District Gurdaspur on the basis of compromise arrived at between the parties.

Learned counsel for the petitioners submits that a compromise has been arrived at between the parties and their statements have also been recorded under the directions issued by this Court. The parties are not interested in pursuing the proceedings any further.

Learned counsel for respondent No.2 has also affirmed the submissions made by learned counsel for the petitioners with regard to compromise as well as recording of statements of the parties before JMIC, Batala. Learned counsel also submits that respondent No.2 has no objection in quashing of the FIR and other

proceedings.

Learned State counsel also submits that the case is at the initial stage as the investigation has not been completed so far as challan has not been presented.

Heard arguments of learned counsel for the parties and have also perused the documents available on the file.

Vide order dated 03.10.2017, the parties were directed to appear before the trial Court/Area Judicial Magistrate for getting their statements recorded with regard to compromise arrived at between the parties. The trial Court was also directed to indicate as to how many total accused are facing trial; what is the stage of the trial and also to record the statements of all the concerned parties to show as to whether the compromise arrived at between them is genuine. A direction was also issued to send the report.

In pursuance of said directions issued on 03.10.2017, a report has been sent by Judicial Magistrate Ist Classs, Batala, which is on record wherein factum of compromise has been affirmed. It has also been mentioned in the statement of the petitioners as well as the complainant that a compromise has been arrived at between them with the intervention of respectables and the same is genuine, without any pressure, threat or coercion and without any undue influence.

Complainant-respondent No.2 has specifically stated in his statement that he has no objection in quashing of the FIR and other proceedings.

Even statement of Investigating Officer ASI Narjeet Singh was also recorded wherein it has been stated that the case was registered against three accused persons and no accused has been declared proclaimed offender and the investigation of the case is still pending. No challan has been presented so far.

Since a compromise has been arrived at between the parties and the same has been affirmed by the complainant as he has specifically stated in his statement that he has no objection in quashing of the FIR and other proceedings, no purpose would be served in case proceedings are continued in future as it would amount to wastage of precious time of the Court. Moreover, the compromise arrived at between the parties is genuine, voluntarily effected with free consent and without any pressure, threat or coercion from either side. The investigation is also at the initial stage as even the challan has not been presented so far.

Accordingly, the present petition is allowed and the impugned criminal proceedings arising out of FIR No.24 dated 18.03.2017 registered under Section 307 read with Section 34 IPC at Police Station Sadar Batala, District Gurdaspur as well as all subsequent proceedings arising therefrom qua petitioners, namely, Sukhwinder Singh @ Kharku, Gurwinder Singh @ Golu and Navjot Singh, are hereby quashed.