

(2014) 07 P&H CK 0770

High Court Of Punjab And Haryana At Chandigarh**Case No:** Crl. Misc. No. M-42577 of 2013 (O&M)

Surat Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: July 15, 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, 324

Hon'ble Judges: Surinder Gupta, J**Bench:** Single Bench**Advocate:** V.K. Sandhir, Advocate for the Appellant; P.S. Madahar, Asstt. AG and Navdeep Kalair, Advocate for the Respondent**Final Decision:** Allowed

Judgement

Surinder Gupta, J.

The petitioners have filed this petition u/s 482 of the Code of Criminal Procedure (for short, "Cr.P.C.") seeking quashing of FIR No. 9 dated 11.1.2008 (Annexure P-1), registered for offences punishable under Sections 307, 324, 341, 148, 149 of Indian Penal Code (for short "IPC) and Sections 25 and 27 of Arms Act, 1959 at Police Station Jandiala, District Amritsar (after investigation Sections 307 IPC, 25 and 27 Arms Act were deleted and final report was presented for the offences punishable under Sections 336, 323, 324, 341, 148 and 149 IPC) along with all consequential proceedings arising therefrom, on the basis of the compromise.

2. As per case of the prosecution, on 11.01.2008 all the petitioners armed with deadly weapons like pistols, kirpans etc. committed the offence of rioting and in prosecution of their common object, wrongfully restrained the private respondents and caused simple injuries to them with sharp as well as blunt weapons.

3. Upon notice, Assistant Advocate General, Punjab has put in appearance on behalf of respondent No. 1-State and respondents No. 2 to 4 have put in appearance through their counsel.
4. I have heard learned counsel for the parties and perused the case file.
5. The parties were directed to appear before the trial court and get their statements recorded. The trial court has sent its report dated 20.05.2014 stating therein that the compromise has been effected in between the complainant and the accused which appears to be voluntary in nature and without any pressure or influence.
6. Learned counsel for the private respondents has submitted that in view of the compromise, the private respondents (complainant and injured) has no objection if the impugned FIR (Annexure P-1) is quashed. Learned State counsel has also not disputed the compromise.
7. The only obstacle in the way of accepting the compromise for quashing the impugned FIR is that the offences punishable under Sections 336 and 148 IPC are not compoundable. In case [Kulwinder Singh and Others Vs. State of Punjab and Another](#), Full Bench of this Court has held that the FIR can be quashed on the basis of the compromise by exercising inherent powers u/s 482 Cr.P.C. even if the offence is not compoundable.
8. In the instant case, the compromise has been effected with the intervention of the respectables and now the parties wish to live in peace and harmony.
9. Keeping all the above facts in view, I am of the considered opinion that it is a fit case in which the impugned FIR should be quashed. Keeping the case pending will not serve the ends of justice. The quashing of the FIR will provide the parties opportunity to live in an amicable, peaceful and harmonious atmosphere which is not only in the interest of the parties to this petition but also for their families and ultimately the society at large. The offence in this case is not so heinous or serious that it cannot be settled by the parties through compromise.
10. In view of the above discussion, the instant petition is allowed and the impugned FIR (Annexure P-1) along with all consequential proceedings arising therefrom qua petitioners is quashed.