

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

**CRM-M-24612-2017
Date of Decision: 21.11.2017**

Gurcharan Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. N.S. Sodhi, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

None for respondent No.2.

SUDIP AHLUWALIA J. (ORAL)

In this petition, the petitioner, who is the accused in F.I.R No.40, dated 27.04.2017, under Section 336 of the IPC, and Sections 25/27/54/59 of the Arms Act, registered at Police Station Smalsar, District Moga (Annexure P-1), has prayed for quashing of F.I.R. with all subsequent proceedings, on the basis of compromise.

[2]. During pendency of petition, the complainant has arrived at a settlement with the accused vide Compromise Deed (Annexure P-2), which is duly signed by him. 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. The Sub Divisional Judicial Magistrate, Baghapurana, District Moga, vide report dated 28.08.2017, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure. The offences under Section 25/27 of the Arms Act were also referred to in the FIR. But from the statement of the complainant itself (Annexure P-1) on the basis of which the FIR was drawn up, it is seen that the weapon involved in the occurrence was a licensed one held by the complainant's own father. He is alleged to have

filed two shots in the air in a fit of anger on account of which the offence under Section 336 of the IPC in preference to Section 307 of the IPC was incorporated. In the given facts and circumstances, considering that the disputed weapon was covered under a valid licence and was not used against any actual person with an intention to injure, this would appear to be a fit case to quash the proceedings particularly considering that the alleged occurrence involves only the family members comprising of complainant and his parents.

[3]. No one has put in appearance on behalf of respondent No. 2 to oppose the compromise.

[4]. In view of the report of the Sub Divisional Judicial Magistrate, Baghapurana, District Moga, and in view of the decisions 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 has himself compromised the dispute with the petitioner/accused.

[5]. In the circumstances, the present petition is allowed. F.I.R No.40, dated 27.04.2017, under Section 336 of the IPC, and Sections 25/27/54/59 of the Arms Act, registered at Police Station Smalsar, District Moga (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner.

21.11.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |