

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

CRM-M-40504-2018 (O&M)

Date of decision: 13.12.2018

Sahil Kumar and others

...Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Umesh Aggarwal, Advocate
for the petitioners.

Ms. Ambika Sood, DAG, Punjab.

Mr. Prateek Sodhi, Advocate
for respondent No.2.

RAJ SHEKHAR ATTRI, J.(Oral)

By invoking Section 482 of the Code of Criminal Procedure, the petitioners have prayed for quashing of FIR No.0141 dated 27.08.2018, registered under Sections 341, 323, 324, 336, 148, 149, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 27 of Arms Act, 1959 at Police Station 'B' Division, District Amritsar City and subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

In the present case, the FIR was registered on the statement of Love Bhatti son of Sham Lal. Now, dispute between the parties has been resolved.

Vide order dated 11.10.2018, the parties were directed to appear before the learned trial court/Illaq Magistrate to get their statements recorded with regard to genuineness of compromise.

Pursuant thereto, a report has been submitted by the learned Judicial Magistrate Ist Class, Amritsar wherein it has been reported that

statements of the parties have been recorded and compromise entered between

the parties is voluntarily, with their free will, without any pressure, duress, inducement and threat of any kind from any corner.

Learned counsel for the State as well as learned counsel for respondent No.2 have not disputed that the parties i.e. petitioners, respondent No.2 (complainant), have arrived at a settlement with an intent to give burial to their differences.

It has been submitted that petitioner No.2-Kunal fired three or four shots from his pistol but complainant escaped unhurt, therefore, no firearm injury has been caused.

To the mind of this court, offences under Sections 25 and 27 of Arms Act are not made out.

Perusal of allegations in the FIR reveals that the present case squarely falls in the category of cases that can be quashed by the High Court, in exercise of its inherent power under Section 482 Cr.P.C. Keeping in view authoritative enunciation of law laid down by Hon'ble the Supreme Court in **'Gian Singh v. State of Punjab and another', 2012 (4) R.C.R. (Criminal) 543** and in the light of facts and circumstances discussed hereinbefore, 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 the same are put to an end.

For the foregoing reasons, the petition is allowed and FIR No.0141 dated 27.08.2018, registered under Sections 341, 323, 324, 336, 148, 149, 506 IPC and Sections 25, 27 of Arms Act, 1959 at Police Station 'B' Division, District Amritsar City and subsequent proceedings arising therefrom on the basis of compromise stands quashed qua petitioners.

December 13, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no