

110.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24555-2020 (O&M)

Date of decision: 26.08.2020

SAVEJ AND OTHERS

... Petitioners

versus

STATE OF HARYANA AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.D. Khan, Advocate,
for the petitioners.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CRM-20996-2020

Application filed under Section 482 Cr.P.C. seeking exemption from filing the certified/typed copy of Annexures P-1 to P-3, is allowed as prayed for.

CRM-M-24555-2020

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0291 dated 28.05.2017 registered under Section 25 of Arms Act, 1959 and Sections 148, 149, 307, 323, 324 and 506 of IPC (Section 25 of Arms Act and Section 307 of IPC deleted lateron) at Police Station Gannaur, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.06.2020 (Annexure P-2).

Learned counsel for the petitioners submits that during the course of investigation, the offences under Section 25 of Arms Act and Section 307 of IPC have been deleted and there is no impediment for quashing the FIR on the basis of compromise.

Notice of motion.

At this stage, Ms. Gaganpreet Kaur, AAG, Haryana, appears and accepts notice on behalf of respondents No.1 to 3. She submits that she has no instructions as regard the deletion of Sections 307 IPC and Section 25 of Arms Act.

Ms. Rosi, Advocate, appears on behalf of respondent No.4 and fairly admits the very factum of compromise (Annexure P-2). She submits that the complainant has no objection in case the present FIR is quashed on the basis of compromise.

Heard.

As per the counsel for the petitioners, the FIR survives only for the offences under Section 148, 149, 323, 324 and 506 of IPC, whereas the offences under Section 307 IPC and Section 25 of Arms Act have been deleted and this fact is not disputed by counsel for respondent No.4. The compromise between the parties is not disputed.

In view of the aforesaid admitted position and having recourse to the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.0291 dated 28.05.2017 registered under Section 25

of Arms Act, 1959 and Sections 148, 149, 307, 323, 324 and 506 of IPC (Section 25 of Arms Act and Section 307 of IPC deleted lateron) at Police Station Gannaur, District Sonipat (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 11.06.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- to be deposited by the petitioners with the Deputy Commissioner, Sonipat. The amount so deposited by the petitioners shall be utilized for arranging sanitizers and the masks etc. so as to meet the Covid-19 pandemic situation.

(HARI PAL VERMA)
JUDGE

26.08.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No