

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

CRM-M-27834-2020

Date of Decision : 03.11.2020

Manga Singh and others

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Ms.Gurmeet Kaur, Advocate
for the petitioners.

Mr.A.S.Sandhu, Addl.AG, Punjab.

Ms.Anisha Rani, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing
via Webex facility in the light of the COVID-19 situation and as per
instructions.

Instant petition has been filed under Section 482 Cr.P.C.
seeking quashing of FIR No.119 dated 29.07.2020 under Sections
307, 452, 324, 506, 148, 149 IPC and Sections 25 and 27 of Arms Act,
1959, registered at Police Station Mallanwala, District Ferozepur on
the basis of compromise that was stated to have been entered into
between the parties.

On 24.09.2020 while issuing notice of motion parties had
been directed to appear before the Illaqa Magistrate concerned on
05.10.2020 for recording of their statements in support of the
compromise and a report in such regard had been called for.

Placed on record is a report dated 29.10.2020 of the learned Sub Divisional Judicial Magistrate, Zira and a perusal thereof would reveal that the statements of the complainant as also the accused party (petitioners herein) have been recorded and it has been opined that the compromise has been arrived at between the parties voluntarily, with free consent and without any coercion, undue influence or fear.

Appended along with the report are the statements of complainant/respondent No.2 herein as also of the accused party/present petitioners.

It has gone uncontroverted that even though offence under Section 307 IPC was cited but it is a case of no injury. Further more, allegations were with regard to a firearm having been used but there is no recovery of any pallet(s). The alleged occurrence is stated to be of 24.07.2020 but the dispute has been amicably resolved at the initial stage of investigation and on 31.08.2020 itself.

Even Ms.Anisha Rani, Advocate representing the complainant concedes to the factum of the compromise and does not oppose the prayer made in the petition.

The Hon'ble Supreme Court in case *Narinder Singh & ors. v. State of Punjab & Anr.* **2014(2) RCR (Criminal) 482** has laid down certain guidelines/parameters wherein even for offence under Section 307 IPC, this Court in exercise of its power under Section 482 Cr.P.C. can take cognizance of a compromise wherein such compromise has been effected at the very initial stage.

Adverting back to the facts of the present case, after

registration of the FIR, the challan has yet not been presented. In the light of the statements recorded before the Illaqa Magistrate parties have entered into a settlement. Quashing of the impugned FIR would as such certainly bring peace and harmony amongst the parties.

For the reasons recorded above, prayer made in the present petition is allowed and FIR No.119 dated 29.07.2020 under Sections 307, 452, 324, 506,148, 149 IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Mallanwala, District Ferozepur and all proceedings emanating therefrom are quashed qua the present petitioners.

Petition is allowed in the aforesaid terms.

03.11.2020

dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No