

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

226

CRM-M-8379-2020

Date of Decision:17.02.2021

GURJANT SINGH AND ORS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Arveen Sekhon, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.17 dated 02.02.2020 registered under Sections 452, 323, 336, 365, 506, 148, 149 IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station Jhabhal, District Tarn Taran, Annexure P-1, on the basis of compromise deed dated 15.02.2020, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners has argued that the offence under the Arms Act is not made out. He submits that there is no allegation of causing a fire arm injury on the complainant or the injured. According to the counsel, the allegations are of firing in the air.

Vide order dated 26.02.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-respondent No.2, the Additional Chief Judicial Magistrate, Tarn

Taran, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused have not been declared as Proclaimed Offender and no other criminal case is pending against the petitioners.

Supreme Court in *Gian Singh Versus State of Punjab and another*, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another*, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another*, 2013(4) RCR (Criminal) 102 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.17 dated 02.02.2020 registered under Sections 452, 323, 336, 365, 506, 148, 149 IPC, 1860, and Section 25 of the Arms Act, 1959, at Police Station Jhabhal, District Tarn Taran, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.02.2021
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No