

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

CRM-M-25118-2020 (O&M)

Date of Decision: 18.03.2021

Abhishek & another

...Petitioners

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mohan Singh Chauhan, Advocate, for the petitioners.

Mr. Ramesh K. Ambavta, AAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking quashing of FIR No.411 dated 08.08.2019 registered against them at Police Station Ambala Cantt, under Sections 285/336 IPC (Section 307 IPC added later on) and Section 25 of the Arms Act as well as all subsequent proceedings emanating therefrom on the basis of a compromise having been effected between the parties.
2. It may be mentioned at the outset that in the instant case, one of the offences mentioned in the FIR is 307 IPC, but it was specifically noticed in the order dated 24.11.2020 while issuing notice of motion that offence under Section 307 IPC *prima facie* would not be attracted inasmuch as the complainant himself has stated in the FIR that the gun-shots had been fired at his house with an intention to scare them and has not specifically stated that the same had been

fired to cause any harm or to kill them. In these circumstances, it can safely be said that offence under Section 307 IPC would not be made out.

3. Vide order dated 24.11.2020, the parties had also been directed to appear before the Illaqa Magistrate/trial Court so as to get their statements recorded qua the factum of compromise.
4. Report of learned Additional Chief Judicial Magistrate, Ambala, has been received, wherein it has been reported that the statements of accused/petitioners Abhishek and Aman Kumar @ Bond and also of complainant Vinod Kumar and his son Monu have been recorded to the effect that they have compromised the matter amongst themselves.
5. The complainant Vinod Kumar and his son Monu in their separate statements have stated that they have no objection in case the FIR in question is quashed.
6. The learned Additional Chief Judicial Magistrate, Ambala has specifically opined that the parties have entered into compromise voluntarily without there being any pressure, coercion and undue influence.
7. In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the present petition is allowed and FIR No.411 dated 08.08.2019 registered at Police Station Ambala Cantt, under Sections 285/336 IPC (Section 307 IPC added later on) and Section 25 of the Arms Act

as well as all subsequent proceedings emanating therefrom are
hereby quashed qua petitioners.

18.03.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**