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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16409-2022
Date of Decision: 21.04.2022

Amandeep Singh @ Aman and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Dinesh Mahajan, Advocate, for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No. 126 dated 30.07.2021, under Sections 307, 506, 34 IPC and Sections 25, 27 of Arms Act (Sections 54 and 59A Arms Act added later on), registered at Police Station Division No.2, District Pathankot, based upon compromise (Annexure P-3).

Learned counsel for the petitioners has submitted that the present petition has been filed seeking quashing of the aforesaid FIR and after the investigation of the case the learned trial Court has also framed the charges and since now a compromise has been effected between the parties vide Annexure P-3 no useful purpose would be served in case the further prosecution is carried on.

On the other hand, Mr. Davinder Bir Singh, learned Deputy

Advocate General, Punjab has stated that he has received an advance copy of the present petition and has sought instructions. He submitted that the present case is not a fit case for quashing of the FIR based upon compromise. He further submitted that it is a case where three persons who are petitioners in the present case had attacked at the house of the complainant where the complainant and family members were relaxing after having dinner and they fired a number of rounds from a country made pistol with an intention to kill them. He further submitted that specific role has been attributed to the petitioners in the FIR. He further submitted that although no injury has been caused to anybody from the firearm but at the time of investigation country made pistol alongwith cartridges were recovered from Sudhir Singh @ Vishal (petitioner No.2). He further submitted that the petitioners who did not have licence of any firearm and they were using country made pistols and they had attacked the family of the complainant, the petitioners are liable to face the trial in accordance with law and it is not a case where the FIR cannot be quashed at the threshold. He further submitted that the subject matter of the present case falls in the category of serious offence. He further submitted that charges have been framed not only under the Arms Act but also under Section 307 IPC and, therefore, the present petition is not maintainable in view of the law laid down by the Hon'ble Supreme Court in *State of Madhya Pradesh Vs. Laxmi Narayan and others [2019 (2) SCC (Criminal) 706]*. He further submitted that although it was a case of no injury but considering the seriousness of the offence where country made pistol was involved alongwith various cartridges, the present petition is liable to be dismissed.

I have heard the learned counsel for the parties.

Although the present petition has been filed seeking quashing of the FIR and all the consequential proceedings based upon compromise but the question that would arise here would be as to whether on the basis of a compromise such an FIR wherein the allegations were pertaining to use of country made pistol can be quashed or not. As per the contents of the FIR three persons had jointly attacked at the house of the complainant where the complainant and family members were relaxing after having dinner and they fired from a country made pistol and even a perusal of the FIR would show that cartridges were also found in the porch which were handed over to the police party and as per learned Deputy Advocate General, Punjab a country made pistol was recovered from petitioner No.2. Furthermore, a perusal of the compromise (Annexure P-3) relied upon by the learned counsel for the petitioners would show that it only records the compromise that the matter has been settled between the parties but it does not anywhere mention that no incident had taken place. The law with regard to the quashing of the FIR has been laid down by the Hon'ble Supreme Court in ***State of Haryana and others Vs. Ch. Bhajan Lal and others [1992 SCC (Criminal) 426]*** and also for the purpose of quashing of the FIR based upon compromise in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and others (Supra)***. It is a settled law that quashing by way of compromise cannot be done in a mechanical manner and it is only in the rare cases where the High Court comes to the conclusion while exercising power under Section 482 of the Code of Criminal Procedure that further continuation of the proceedings would amount to abuse of the process of law because no useful purpose will be served that it can be quashed. In cases where there is a matrimonial dispute or financial dispute or

sometimes when it is a case of simple injury etc. in accordance with the facts and circumstances of each and every case, the High Court can exercise its jurisdiction under Section 482 of the Code of Criminal Procedure only for the purpose of preventing the abuse of the process of law. However, in the present case this Court is satisfied that quashing of the present FIR and the consequential proceedings based upon the compromise on the basis of the present facts and circumstances would not be in the interest of justice particularly when country-made pistol and cartridges were allegedly recovered by the police

Therefore, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.04.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No