

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

**CRM-M-48816-2021
Date of Decision: 14.03.2022**

Gurpreet @ Goppy and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.M. Gulati, Advocate and
Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(ORAL)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of an FIR No.129, dated 22.05.2021, under Sections 336, 506 and 34 of IPC, 1860 (Sections 148, 149 and 120-B added later on) and Section 25 of Arms Act, 1959 registered at Police Station Sadar Amritsar, District Amritsar and all other consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that it is a case where the dispute was only a matrimonial dispute between the parties and as per the FIR, the petitioner No.5, namely, Vicky @ Jagtar Singh along with 4-5 more boys had come to the house of the complainant and as per the allegations, had fired a shot in the air from their pistol and when the people started gathering there, then the said boys went away on their motor-cycle

while threatening. Learned counsel for the petitioner has submitted that the

present FIR was lodged on 22.05.2021 and on 21.09.2021, the matter was compromised between the parties, vide Annexure P-2. He submitted that since the matter has been amicably settled between the parties, therefore, the present FIR may be quashed based upon the compromise.

On the other hand, Mr. K.S. Sidhu, learned State counsel on instructions from ASI Baldev Singh has submitted that in the present case, the matter is still at the investigation stage and the offence involved in the present case was under Section 25 of the Arms Act, 1959. He submitted that as per the FIR, the petitioner had fired from the pistol, although firing was made in the air and no injury was caused, but during investigation, it was found that there were 5 used/empty cartridges found at the spot and the mere fact that the petitioner and the private respondents have compromised with each other does not become a ground for quashing of an FIR based upon the compromise. He submitted that the source of the illegal pistol used in the crime is yet to be ascertained. He further submitted that a perusal of the compromise would show that there is nothing mentioned in the compromise to state that no firearm was shot and the only ground taken in the compromise is that the matter has been compromised and since this matter falls in the category of serious offence, the same cannot be quashed based upon the compromise.

I have heard the learned counsel for the parties.

The offence in the present FIR pertains to Sections 336, 506, 148, 34, 149, 120-B of IPC. As per the allegations contained in the FIR, a shot was fired with a pistol and as per the investigation five empty cartridges were found from the spot. During the course of arguments, a specific query was raised to the learned counsel for the petitioner as to whether any of the petitioners possess any licensed weapon or pistol etc., it has been specifically stated by learned counsel for the petitioner on instructions that none of the

petitioners possess any licensed weapon. Therefore, the question that would remain to be investigated and further probed would be as to from where did the alleged pistol come especially in view of the fact that during the investigation, five empty cartridges were found. It is not the case of the petitioner that in the compromise no shot was fired from the firearm but the only ground taken in the compromise was that the matter has been settled between the parties. The FIR has been registered not only under Section 336 of IPC but also under Section 25 of the Arms Act, 1959 and as per the learned counsel for the petitioners, none of the petitioners possess any licensed weapon and therefore, the present case would certainly fall in the category of serious offence and quashing of an FIR, especially at the stage of investigation would not be in the interest of justice.

Therefore, considering the aforesaid facts and circumstances of the present case, this Court does not deem it fit and proper to invoke the extraordinary powers under Section 482 of the Code of Criminal Procedure for quashing of the FIR, based upon the compromise. Consequently, the present petition being devoid of any merit is hereby dismissed.

It is made clear that the aforesaid observations would not mean anything on the merits of the case as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

March 14, 2022
Manpreet

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