

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-52326-2021
Date of Decision :10.02.2022

Manish Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Vipin Kumar Sharma, Advocate
for respondents No.2 and 3.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed for quashing of FIR No.172 dated 04.12.2010 registered under Sections 307, 324, 148, 149 and 120-B of the IPC and Section 25 of the Arms Act, 1959 at Police Station Division No.5, District Jalandhar on the ground that the petitioner has already compromised the dispute with the complainant, coupled with the fact that the allegations of using firearm and inflicting injury were against the other co-accused, who have already been acquitted of the said charge and, hence, continuing the proceeding of FIR in question against the petitioner, will serve no useful purpose.

Learned counsel for the petitioner submits that the other co-accused have already been acquitted but, the FIR in question is pending against the petitioner as the petitioner was declared proclaimed offender but, now as the petitioner has joined proceedings and has been granted concession of anticipatory bail by the Court below, the FIR in question against the petitioner may kindly be quashed on the basis of the compromise effected between the parties, coupled with the fact that the other co-accused already stand acquitted of the allegations, which are more serious than the allegations alleged against the petitioner.

Learned counsel appearing for respondents No.2 and 3 concedes the factum that the parties have compromised their dispute and respondents No.2 and 3 i.e complainant and victim are no longer interested in pursuing the case against the petitioner, especially, in view the fact that the other co-accused have already been acquitted of the allegations.

Learned State counsel raises no objection for quashing the FIR in question in view of the compromise effected between the parties.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case, wherein the other co-accused, who were facing the allegations of using firearm and inflicting injury upon the victim and complainant, have already been tried before the competent Court of law and were acquitted, coupled with the fact that the petitioner is not facing that serious allegations and the parties have already compromised their dispute, no useful purpose will be served in keeping the FIR in question alive. Hence, prayer of the petitioner

for quashing the FIR in question on the basis of compromise effected between the parties is accepted. FIR No.172 dated 04.12.2010 registered under Sections 307, 324, 158, 149 and 120-B of the IPC and Section 25 of the Arms Act, 1959 at Police Station Division No.5, District Jalandhar and all other subsequent proceedings arising therefrom are quashed.

As the petitioner has utilized the valuable time of the Court, the above order, quashing of the FIR, will be subject to the payment of Rs.25,000/- as cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioner.

February 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No