

264/A

2023:PHHC:050631

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

CRM-M-5238-2021

Date of Decision: April 12, 2023

RANDHIR SINGH AND ORS

..... Petitioners

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harsh Raheja, Advocate for petitioners.
Mr. Vinay Kumar Gupta, AAG, Punjab.
Ms. Bhavna Thakur, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing of FIR No.32 dated 01.04.2018 under Sections 307, 336, 323, 341, 427, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Mamdot, District Ferozepur (P-1) along with all consequential proceedings arising out of the same on the basis of compromise (P-2).

2. As per allegations levelled in the FIR, the petitioners surrounded respondents No.2 and 3 and gave grave injuries to them with their respective weapons.

3. In pursuance to an order dated 12.01.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 23.02.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine, voluntarily and without any coercion or undue influence. There is no other accused except the present petitioners. No

accused has been declared as proclaimed offender.

4. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 and 3 have no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 23.02.2023. Though, the FIR was registered under Section 307 of IPC, however, during the investigation it has been found that the gun-shot injury has been on the non-vital part of the body. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time

and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the directions issued by this Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543***".

7. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.32 dated 01.04.2018 under Sections 307, 336, 323, 341, 427, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959 along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall however be subject to payment of Costs of Rs.25,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

12.04.2023

tejwinder

(HARKESH MANUJA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>

