

259 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6316-2023 (O&M)
Date of decision: 25.09.2023

Lovely Kumar alias Lovely Aulakh and another

...Petitioners

VS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Naveen Bawa, Advocate,
for the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr.Vishnu Dutt, Advocate
for respondents no.2 to 5.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.55 dated 11.08.2022 (Annexure P-1) registered under Sections 307, 506, 34 of IPC and Section 25/27 of the Arms Act, 1959, at Police Station Airport, District Amritsar, and all subsequent proceedings arising therefrom, on the basis of compromise dated 30.11.2022 (Annexures P-2) arrived at between the parties.

2. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide orders dated 06.02.2023 and 11.04.2023 had directed the parties to appear before the *Illaq*a Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 11.05.2023 of learned Chief Judicial Magistrate, Amritsar, had been received. Report reveals that statements of complainant party i.e. respondents No.2 to 5 as also of accused/present petitioners, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the complainant party/respondents No.2 to 5 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondents No.2 to 5 states that they would have no objection to the quashing of FIR in question.

5. Though the provisions of Arms Act have been invoked, however on query learned counsel are all *ad idem* that neither any recovery of any firearm was effected nor any injury was suffered by the complainant. It was merely on the allegation of the complainant party/respondents no.2 to 5 that firearm was used by the petitioners that

provisions of Section 307 IPC read with Sections 25/27 of the Arms Act, were invoked.

6. In view of the compromise statement, if the complainant party/respondents no.2 to 5 themselves have resiled from their earlier allegations no useful purpose would be served to keep the proceedings pending in the FIR in question as the same in any case would result in acquittal of the petitioners.

7. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled “*Ramgopal and anr. V. The State of Madhya Pradesh*”¹ and a Full Bench decision of this Court in “*Kulwinder Singh and others V. State of Punjab and others*”².

8. In the premise it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

9. Petition is thus allowed. FIR No.55 dated 11.08.2022 (Annexure P-1) registered under Sections 307, 506, 34 of IPC and Section 25/27 of the Arms Act, 1959, at Police Station Airport, District Amritsar and all proceedings emanating there from *qua* petitioners, stand quashed.

10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 25, 2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012
2007 (3) RCR (Criminal) 1052