

CRM-M-5680-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-5680-2020

Date of decision: 31.08.2023

Nishan Singh and others

....Petitioners

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sarabjit Singh, Advocate for the petitioners.

Mr. Madhu Sharma, AAG Punjab.

Mr. G.S. Thind, Advocate for respondent No.2.

ARUN MONGA, J. (Oral)

Petitioners seek quashing of FIR No.134 dated 16.10.2019 (Annexure P-1), registered under Sections 324, 452, 323, 326, 148, 149 IPC and Section 25 of the Arms Act, 1959, at Police Station Majitha Road, Amritsar, District Police Commissionerate, Amritsar and all subsequent proceedings arising therefrom, on the basis of compromise dated 23.01.2020 and affidavit dated 27.01.2020 (Annexures P-2 and P-3 respectively), which is stated to have been effected between the parties.

2. Since quashing was sought on the basis of compromise, this Court vide order dated 10.02.2020 had directed the parties to appear before the *Illaga* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 26.04.2022 of learned Judicial Magistrate Ist Class, Amritsar, had been received. Report reveals that statements of complainant party i.e., respondent No.2 as also of accused/present petitioners herein, 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/respondent No.2 and accused/petitioners herein, have arrived at a compromise voluntarily and without any coercion.

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

5. On Court's query, learned State counsel submits that neither any recovery was made of any unlicensed weapon or even otherwise, complainant has supported his original version that at the time of incident who were the unknown persons and what kind of pistol were they carrying. He submits that in any case, there is no allegation *qua* petitioners carrying any unlicensed weapon, therefore, rigors of provisions contained in the Arms Act are not applied in this case.

6. 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.

7. 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.

8. Petition is thus allowed. FIR No.134 dated 16.10.2019 (Annexure P-1), registered under Sections 324, 452, 323, 326, 148, 149 IPC and Section 25 of the Arms Act, 1959, at Police Station Majitha Road, Amritsar, District Police Commissionerate, Amritsar and all subsequent proceedings emanating therefrom, stand quashed.

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

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

(ARUN MONGA)
JUDGE

August 31, 2023
Ajay

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