

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11705-2023 (O&M)

Date of decision: August 21, 2023

Harbans Singh @ Harjot Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Kashish Sahni, Advocate for petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Chahat Aggarwal, Advocate for respondents No.2 to 8.

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.292 dated 01.06.2017, under Sections 148, 149, 285, 323, 342, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Pehowa, District Kurukshetra, on the basis of compromise dated 21.12.2022, which is stated to have been arrived at between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 17.07.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 14.08.2023 of learned Sub Divisional Judicial Magistrate, Pehowa and a perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and the same is voluntary and without any fraud, misrepresentation or coercion. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondents No.2 to 8 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.
5. On a Court query, learned State counsel submits that as per FIR, firearms were shot in the air with the usage of a licenced gun and resultantly, provisions of Arms Act were invoked.
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. Adverting back to the facts of the present case, it is apparent that the petitioners and complainant/respondent No.2 are known to each other as they are neighbours and compromise have been arrived at between the parties voluntary and without any coercion.
8. In the considered view of this Court, it would be 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 the impugned FIR.
9. For the reasons recorded above, the present petition is allowed. FIR No.292 dated 01.06.2017, under Sections 148, 149, 285, 323, 342, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Pehowa, District Kurukshetra *qua* the petitioners stands quashed.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 21, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052