

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(279)

CRM-M-13343-2023
Date of Decision: 13.04.2023

Gursewak Singh @ Sewak Singh @ Pinka and others ...Petitioners

Versus

State of Punjab and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Jasneet Mehra, Advocate, for
Mr. L. M. Gulati, Advocate, for the petitioners.

Mr. V. K. Gupta, AAG, Punjab.

Mr. Ashwani Khatter, Advocate, for the respondent No.2.

HARKESH MANUJA, J.(ORAL)

By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.42 dated 26.02.2023, registered under Sections 336, 427, 506, 148, 149 IPC and 25 of the Arms, Act, 1959, at Police Station Chheharta, District Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

2. In the present case, petitioners have attacked the complainant in a private family function and damaged his house, car and threatened to kill him by firing bullets in air, resulting into registration of the present FIR.

3. In pursuance to an order dated 16.03.2022 passed by this Court, whereby the parties were directed to appear before the trial Court for getting their statements recorded as regards, the veracity of compromise arrived at between them, report dated 06.04.2023 has been received from the concerned

voluntary and without any coercion or under influence. There is no other accused except the present petitioners and the sole complainant namely, Balkar Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

4. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regards quashing of FIR as well as other subsequent proceedings arising out of the same against the petitioners, the dispute being purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He further submits that 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 petitioners have damaged the property of the complainant and threatened to kill him by firing bullets in air.

6. Having heard learned counsel for the parties, they having settled their dispute so as to live peacefully 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 found to be fully in consonance with the direction issued by the 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 judgment, the instant petition is allowed and FIR No.42 dated 26.02.2023, registered under Sections 336, 427, 506, 148, 149 IPC and 25 of the Arms, Act, 1959, at Police Station Chheharta, District Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

8. The aforesaid order shall however, be subject to payment costs of Rs.5,000/- to be deposited by the petitioners 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.

(HARKESH MANUJA)
JUDGE

13.04.2023
anil

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