

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

(280)

CRM-M-16506-2023
Date of Decision: 25.05.2023

Manpreet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. H. S. Dhindsa, Advocate, for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. G. S. Gurna, Advocate, for respondent No.4.

HARKESH MANUJA, J.(ORAL)

1. By way of present petition filed under Section 482 Cr.P.C., petitioners pray for quashing of FIR No.28 dated 28.01.2023, registered under Sections 457/380/511 IPC and Section 25 Arms Act at Police Station Tanda, District Hoshiarpur (Annexure P-1) along with all consequential proceedings arising out of the same on the basis of No Objection Affidavit dated 22.03.2023 of complainant (Annexure P-2).

2. At the outset, while referring the vernacular of FIR (Annexure P-1) at page 19 besides the report dated 19.05.2023, submitted by the Court of JMIC, Dasuya, learned counsel for the petitioners submits that though the FIR was recorded under Sections 457, 380 and 511 IPC and Section 25 of the Arms Act at Police Station, Tanda, Hoshiarpur, however, on account of typographical error in the head-note as well as in the prayer clause, the sections were wrongly mentioned as 457, 308, 511 IPC and Section 25 of

Section 308 IPC with Section 380 IPC.

3. On this aspect, I have heard the learned State counsel who has not been able to controvert the factual position while referring to the FIR in question.

4. In view thereof, prayer made on behalf of petitioners is allowed and petitioners shall place on record the copy of amended petition within three days mentioning the correct position as regards sections of IPC as depicted in the FIR in question.

5. In the present case, petitioners entered into the house of complainant with a view to commit theft and on resisting, they showed revolver to kill him, resulting into registration of the present FIR.

6. In pursuance to an order dated 10.04.2023 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 19.05.2023 has been received from the concerned court, stating that the compromise in the present case is valid, genuine, voluntary and without any coercion or under influence. There is no other accused except the present petitioners and the sole complainant namely Ranjit Singh. No accused has been declared as proclaimed offender. The stage of trial was fixed for evidence of prosecution.

7. Learned counsel for the petitioners submits that once, the compromise has been arrived at between the parties without any pressure and respondent No.4 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.

8. On the other hand learned State counsel submits that petitioners entered into the house of complainant with a view to commit theft and on resisting, they showed revolver to kill him.

9. 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.***

10. 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.28 dated 28.01.2023, registered under Sections 457/380/511 IPC and Section 25 Arms Act at Police Station Tanda, District Hoshiarpur (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed.

11. The aforesaid order shall however, be subject to payment of

costs of Rs.10,000/- 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.

12. The order in the present petition shall be prepared as per amended petition filed by the petitioners.

(HARKESH MANUJA)
JUDGE

25.05.2023

anil

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