

292(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: October 18, 2023

CRM-M-19676-2023 (O&M)

Jatin @ Jeeta @ Jeeti @ Jeet Kumar and others
VS

...Petitioners

State of Punjab and others

...Respondents

CRM-M-20167-2023 (O&M)

Ravi and another

...Petitioners

VS

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.B.Raheja, Advocate,
For the petitioners in both the petitions.

Mr. Jaswinder Singh Arora, DAG, Punjab.

Mr. Karanjit Singh Brar, Advocate,
For the complainant in CRM-M-19676-2023.

ARUN MONGA, J. (ORAL)

Vide this common order, above mentioned two cases are being disposed of since facts are analogous.

2. In CRM-M-19676-2023 petitioners seek quashing of FIR No.58 dated May 08, 2021 registered under Sections 436, 427, 336, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 307, 201 added later on) and Section 25 of Arms Act, 1959 (for short 'Arms Act') at the Sadar Police Station in Ferozepur, Punjab and all other consequential proceedings arising therefrom on the basis of compromise dated March 09, 2023 (Annexures P-2 and P-3), stated to have been arrived between the parties.

2.1 In CRM-M-20167-2023 petitioners seek quashing of order dated December 16, 2022 (Annexure P-9) passed by learned trial Court whereby petitioners were declared as proclaimed offenders in the aforesaid FIR.

3. Since quashing was sought on the basis of compromise, a coordinate Bench of this Court on April 26, 2023 in CRM-M-19676-2023 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.

4. Report dated May 17, 2023 of learned Additional Chief Judicial Magistrate, Ferozepur had been received. Report reveals that statements of complainant party i.e. respondents No.2 and 3 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/respondents No.2 and 3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

5. Learned counsel for respondents No.2 and 3 submits that he would have no objection to the quashing of FIR in question.

6. *Qua* allegations of the offence under Section 25 of Arms Act, it transpires that weapon that was recovered was a licensed one and likewise though Section 307 of IPC was invoked in FIR, neither any injury was found to be dangerous to life nor is there any role/intention/knowledge attributed to petitioners making out the ingredients of the Section, *ibid*, contends the learned counsel for 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, these are appropriate cases 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. Both the petitions are thus allowed. FIR No.58 dated May 08, 2021 registered under Sections 436, 427, 336, 148 read with Section 149 of IPC (Sections 307, 201 added later on) and Section 25 of Arms Act, at the Sadar Police Station in Ferozepur,

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

Punjab and all proceedings emanating there from *qua* the petitioners including order dated December 16, 2022 (Annexure P-9 in CRM-M-20167-2023) whereby petitioners were declared proclaimed offenders, stand quashed.

- 10. Pending application(s), if any, shall also stand disposed of.
- 11. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

October 18, 2023
vandana

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