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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-41894-2018 (O&M)****Date of decision: 25.07.2023****Kamaljit Singh****...Petitioner****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present:-** Mr. Jasraj Singh, Advocate,
For the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Shaurya Puri, Advocate,
For respondent No.2.**ARUN MONGA, J. (ORAL)**

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.6 dated 17.01.2015 (Annexure P-1), registered under Sections 307, 324, 336, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of Arms Act, 1959 at Police Station Mukerian, District Hoshiarpur and proceedings subsequent thereto, on the basis of compromise dated 06.09.2018 (Annexure P-3), which is stated to have been entered into between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 14.02.2020 had directed the parties to appear before learned Area Magistrate/trial Court for recording of their statements in support of the compromise. A veracity report was also called for.

3. Learned counsel for the petitioner contends that neither the allegations attributed to the petitioner make out a case under Section 307 IPC nor any of the provisions of Arms Act have been invoked against him. He further submits that in any case, petitioner was declared innocent during

investigation and was kept in column no.2 in the final report prepared under Section 173 Cr.P.C. Later on, an application under Section 319 Cr.P.C was moved and petitioner was summoned as an additional accused on 29.03.2016.

3.1 Learned counsel further argues that with the intervention of respectables, parties have arrived at a compromise. In support of his contention, he has relied upon a judgment rendered by Supreme Court titled “**Madan Mohan Abbot v. State of Punjab**”¹ and Full Bench judgment of this Court in “**Kulwinder Singh and others v. State of Punjab and another**”².

4. Placed on record is a report dated 01.07.2020 of learned Additional Sessions Judge, Hoshiarpur. A perusal of the same would reveal that the statements of the complainant/respondent No.2 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and is authentic, genuine, voluntary and out of free will of the parties. The report is accompanied by the statements of the parties which were duly recorded. It is however mentioned in the report that there are two accused in instant FIR and co-accused of petitioner, namely, Raman Kumar, is a proclaimed offender, with whom no compromise has been effected by complainant/respondent No.2.

5. Learned counsel appearing on behalf of respondent No.2 also makes a statement that the compromise having been effected with the petitioner alone, he would have no objection to the quashing of the FIR in question qua the petitioner alone.

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***

¹ 2008 (2) RCR Criminal (429)

SHALINI BHATIA² 2007 (3) RCR (Criminal) 1052
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I attest to the accuracy and
integrity of this order/ judgment

*State of Madhya Pradesh*³ and a Full Bench decision of this Court in *Kulwinder Singh's case (supra)*.

7. Adverting back to the facts of the present case, it is apparent that the complainant/respondent No.2 and accused/petitioner are known to each other and compromise has been arrived at between them voluntarily and without any coercion.

8. In the considered view of this Court, it is an appropriate case for exercise of power under Section 482 Cr.P.C. to bring an end the criminal proceedings initiated in the light of the impugned FIR and for mutual peace.

9. For the reasons recorded above, the present petition is allowed. FIR No.6 dated 17.01.2015 (Annexure P-1), registered under Sections 307, 324, 336, 148 read with Section 149 of IPC and Section 25 of Arms Act, 1959 registered at Police Station Mukerian, District Hoshiarpur and all proceedings emanating therefrom *qua* the petitioner alone stand quashed.

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

JULY 25, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No