

279 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45411-2022

DATE OF DECISION:-24.05.2023

Gurlal Singh and another

...Petitioners.

vs.

State of Punjab and others

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vishal Sharma, Advocate,
for the petitioners.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. Ajay Kumar, Advocate for
Mr. Vikas Gupta, Advocate
for respondents No.2 and 3.

HARKESH MANUJA, J.

By way of present petition under Section 482 Cr.P.C., the petitioners pray for quashing of FIR No.120 dated 13.07.2018, under Sections 307, 336, 34 IPC and Section 30 of the Arms Act, registered at Police Station GRP Amritsar (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 29.08.2020 (Annexure P-2).

2. As per the allegations levelled in the FIR, petitioners picked up a quarrel with respondent No.2 and fired gun shot in air as well as towards him, which hit him, as a result of which, he fell down.

3. In pursuance to an order dated 20.04.2023 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, a report dated 15.05.2023 has been received from the concerned court, stating that compromise effected between the complainant/injured and accused appears to be genuine, voluntary and out of the free will of the parties. There are total two accused, namely, Sukhjinder Singh and Gurlal Singh and one complainant, namely, Gurcharan Singh, however, Gurlal Singh failed to appear before the trial court. No accused has been declared as proclaimed offender.

4. Thus once, the compromise has been arrived at between petitioner No.2 without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against petitioner No.2; there does not appear to be any impediment as regards quashing of present FIR qua petitioner No.2. Even otherwise, the parties are belong to the same village and keeping in view the safety and betterment of the future of generations to come, they have entered into a settlement. 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 petitioner No.2 and complainant-respondent No.2.

5. The parties having settled their dispute so as to live in peace 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 even 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.

6. Further, learned counsel for the petitioners, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589* and this Court in *Joginder Singh & another Vs. State of Punjab and another*, passed in CRM-M-23739- 2010 decided on 27.04.2011, *Rajinder Singh Vs. State of Punjab & another*, passed in CRM-M- 37395-2016 decided on 16.05.2017 and *Vimal Kalra & others Vs. State of Punjab & another*, passed in CRMM-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No.120 dated 13.07.2018, under Sections 307, 336, 34 IPC and Section 30 of the Arms Act, registered at Police Station GRP Amritsar (Annexure P-1) as well as all the subsequent proceedings arising therefrom are hereby quashed qua petitioner No.2 only.

8. Accordingly, petition qua petitioner No.1 is dismissed, with liberty to approach this Court, in case, any fresh settlement is arrived at between the parties and petition qua petitioner No.2 is allowed, subject to payment of costs of Rs.25,000/- to be deposited with the Punjab Legal Services Authority, within a period of two weeks from today.

24.05.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No