

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

CRM-M-25393-2023 (O&M)

DATE OF DECISION: 31.07.2023

Palwinder Singh and others**...Petitioners****Versus****State of Punjab and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr. Komalpreet Singh, Advocate,
For respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.161 dated 26.07.2021 (Annexure P-1) registered under Sections 336, 427, 120-B, 148, 149 of IPC read with Sections 25 and 27 of Arms Act (Section 307 IPC added lateron) at Police Station Civil Lines, Police District Batala, District Gurdaspur on the basis of compromise dated 01.08.2022 and 01.05.2023 (Annexures P-2 and P-3 respectively), stated to have been arrived between the parties.

2. Learned counsel for the petitioners states that there are allegations in the FIR that in the incident that led to registration of FIR involved using of a gun and fire in the air. He submits that neither there was any gun used nor any fire carried out and in any case as per the medical report, no injury was either caused by any firearm nor any firearm has been recovered during investigation. He states that the ingredients of Section 307 IPC and the sections of Arms Act are not made

out. No useful purpose would be served to keep the trial pending as further proceedings will result in acquittal of the petitioners.

3. Since quashing was sought on the basis of compromise, this Court on 19.05.2023 had directed the parties to appear before the trial Court/*Illaq*a Magistrate/Duty Magistrate for recording their statements in support of the compromise. A veracity report was also called for.

4. Report dated 21.06.2023 of learned Judicial Magistrate Ist Class, Batala had been received. Report reveals that statements of complainant party i.e. respondents No.2 & 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 & 3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

5. Learned counsel for complainant/respondents No.2 & 3 states that he would have no objection to the quashing of FIR in question.

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 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.

7. In the premise it is an appropriate case 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.

¹Criminal Appeal No.1489 of 2012

8. Petition is thus allowed. FIR No.161 dated 26.07.2021 (Annexure P-1) registered under Sections 336, 427, 120-B, 148, 149 of IPC read with Sections 25 and 27 of Arms Act (Section 307 IPC added lateron) at Police Station Civil Lines, Police District Batala, District Gurdaspur and all proceedings emanating there from *qua* the petitioners stand quashed.

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

31.07. 2023
sanjeev

(ARUN MONGA)
JUDGE

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