

**117 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-24487-2020 (O&M)
Date of Decision: 27.07.2023**

Balkar Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Narinder S. Lucky, Advocate
for the petitioner.Mr.Jaiteshwar S. Bhandari, AAG, Punjab
Assisted by ASI Bhupinder Singh.Mr.KrishanKanha, Advocate,
for respondent No.2**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.95 dated 20.10.2019 under Sections 452 & 307 of the Indian Penal Code, 1860 (for short, '*the IPC*') and Sections 25 & 27 of Arms Act, 1959 at Police Station City Kurali, District SAS Nagar (Mohali)(**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise dated 06.11.2019 (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. Allegations in brief are that on 20.10.2019 petitioner trespassed into the house of complainant, namely, Major Singh and put his double barrel gun on his neck.

3. The Co-ordinate Bench, on 16.09.2022, passed the following order:-

“...Let the parties to appear before the trial Court/Area Magistrate, as the case may be on 28.09.2022 for getting their statements recorded with regard to the compromise. Trial Court is directed to report on the following points:-

- (i) How many total accused are facing the trial;*
- (ii) Whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) Status/stage of the trial case;*
- (iv) To record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
- (v) To record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Kharar and submitted a report dated 13.03.2023. The operative part of the same reads as under:-

“That the compromise effected between the parties is genuine, valid, voluntary without any coercion and undue influence.”

5. A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that it is a no injury case. He has no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 25,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

27.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No