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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25995-2023 (O&M)
Date of decision:03.10.2023

Sudhanshu Sharma

...Petitioner

VS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr.Himmat Singh Sidhu, Advocate for
Ms.Atinderpal Singh, Advocate,
for the petitioner.

Mr. Mohit Thakur, AAG, Punjab.

Mr.Rahul Garg, Advocate
for respondent no.2.

ARUN MONGA, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.104 dated 11.04.2023, registered under Sections 336, 506, 148/149 of IPC, 1860 and Sections 25 and 27 of Arms Act at Police Station Sadar Amritsar, District Amritsar on the basis of compromise dated 15.05.2023 (Annexure P-2), which is stated to have been effected between the parties.

2. Since quashing was sought on the basis of compromise, this Court vide order dated 07.07.2023 had directed the private parties to appear before the *Illaga* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 09.08.2023 of learned Principal Magistrate, Juvenile Justice Board, Amritsar, had been received. Report reveals that statements of complainant party i.e. respondent no.2 as also of accused/present petitioner 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/respondent no.2 and accused/petitioner have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondent no.2 states that he would have no objection to the quashing of FIR in question.

5. On a Court query with regard to invocation of Section 25 and 27 of the Arms Act, 1959, learned State counsel submits that the weapon that was recovered from the petitioner was country-made pistol and was actually recovered in another FIR bearing No.143 dated 13.04.2023, registered under Sections 25/54/59 of the Arms Act, 1959, at Police Station Islamabad, Amritsar City, therefore the aforesaid offences in the present FIR are not made out.

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.

8. Petition is thus allowed. FIR No.104 dated 11.04.2023, registered under Sections 336, 506, 148/149 of IPC, 1860 and Sections 25 and 27 of Arms Act at Police Station Sadar Amritsar, District Amritsar, and all proceedings emanating there from *qua* the petitioner stand quashed.

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

(ARUN MONGA)
JUDGE

03.10.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012