

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

**CRM-M-24284-2019
Date of Decision : 10.05.2023**

Gurcharan Singh @ Channa and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. P.K.S.Phoolka, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab
for respondent No.1-State.

Mr. Davinder Kumar, Advocate
for respondents No.2 and 3.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0041 dated 23.02.2019, registered under Sections 307, 34 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station City Malout, District Sri Muktsar Sahib along with all subsequent proceedings arising therefrom on the basis of a compromise/affidavits dated 18.05.2019 [Annexure P-2(colly)] arrived at between the petitioners and respondent No.2.

2. Vide orders dated 04.07.2019 and 23.08.2022, Coordinate

Benches of this Court had directed the parties to appear before the trial Court/Area Magistrate for getting their statements recorded with regard to the compromise dated 18.05.2019 [Annexure P-2(colly)].

3. The trial Court/Area Magistrate was to submit a report in this regard giving certain details as enumerated in the said orders.

4. Pursuant to the order dated 23.08.2022 passed by a Coordinate Bench of this Court, the parties appeared before the Sub Divisional Judicial Magistrate, Malout and as per the report dated 22.09.2022 submitted to this Court, both the parties got their respective statements recorded in Court.

5. A perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. The powers under Section 482 Cr.PC can be exercised in such like situations in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is 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**”.

Though the allegation of a shot having been fired on account of which Section 307 IPC was added in the FIR but it is an admitted case that no injury was suffered by the complainant party as the shot was fired in the air. The weapon recovered from accused-petitioner No.1 Gurcharan Singh @ Channa was a licenced gun.

6. In view of the aforesaid report of the Sub Divisional Judicial

Magistrate, Malout accompanied by statements of both the parties, the present petition is allowed and the FIR No.0041 dated 23.02.2019, registered under Sections 307, 34 IPC and Sections 25 and 27 of the Arms Act, 1959, at Police Station City Malout, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

(VIKRAM AGGARWAL)
JUDGE

10.05.2023
mamta

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