

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

CRM-M-27013-2023

Date of decision: 27.07.2023

BALJINDER KAUR AND OTHERS

....Petitioners.

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Lajpat Rai Sharma, Advocate for
Mr. Parvesh Sachdeva, Advocate for the petitioners.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Seenu Ravish, Advocate for respondent No.2.

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SANJIV BERRY, J.

This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 71 dated 15.05.2019, under Sections 394, 323 of IPC and Section 25 of Arms Act, 1959, (Sections 395, 398, 323, 201 IPC added later on) and (Section 394 of IPC deleted vide DDR No.31 dated 20.03.2023), registered at Police Station City Arniwala, District Fazilka, (Annexure P-1) and all consequential proceedings arising there from on the basis of compromise dated 20.04.2023 (Annexure P-2) executed between the parties.

2. With the intervention of respectables and elderly people of the society, the parties have arrived at a settlement vide compromise deed dated 20.04.2023 (Annexure P-2), which is duly signed by them. The matter was referred to the Court below for recording of statements of the parties and to report with respect to genuineness of the compromise arrived

at between the parties. Judicial Magistrate Ist Class, Fazilka, vide report dated 19.07.2023, has apprised this Court that the compromise arrived at between the parties is genuine and without any pressure.

3. Respondent No. 2 is represented by his counsel and does not oppose the compromise.

4. In view of the report of the Judicial Magistrate Ist Class, Fazilka, and in view of the decision of the Hon'ble Supreme Court in “Gian Singh Vs. State of Punjab and another”, 2012(4) RCR (Criminal) 543 and “Narinder Singh and Others Vs. State of Punjab and Another”, (2014) 6 SCC 466, this Court is of the opinion that no useful purpose can be served by keeping with the criminal proceedings pending, since the complainants has himself compromised the dispute with the petitioners/ accused persons. Though Section 25 of Arms Act is there, but as submitted by learned State counsel neither any recovery of weapon had been effected in the case nor the same is said to have been used during the alleged occurrence.

5. In the circumstances, the present petition is allowed. FIR No. 71 dated 15.05.2019, under Sections 394, 323 of IPC and Section 25 of Arms Act, 1959, (Sections 395, 398, 323, 201 IPC added later on) and (Section 394 of IPC deleted vide DDR No.31 dated 20.03.2023), registered at Police Station City Arniwala, District Fazilka, (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the present petitioners.

(SANJIV BERRY)
JUDGE

27.07.2023
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