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

CRM-M-27050-2023 (O&M)

Date of decision : 01.08.2023

Bhupinder Singh

... Petitioner(s)

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sagar Aggarwal, Advocate,
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Gautam Kumar, Advocate,
for the respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.170 dated 28.04.2020 (**P-1**), under Sections 285, 336, 504 of the Indian Penal Code, 1860 (for short, '*the IPC*'); and Section 27 of the Arms Act, 1959, registered at Police Station Kurukshetra University, District Kurukshetra, along with all consequential proceedings arising therefrom on the basis of compromise dated 19.05.2023 (**P-2**), entered into between the parties i.e. petitioner as well as respondent No.2.

2. Allegations are that the petitioner fired from his licensed revolver in front of the house of complainant and also hurled abuses.

3. The Co-ordinate Bench, while issuing notice of motion on 29.05.2023, passed the following order:-

“This is a petition filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No. 170 dated 28.04.2020, under Sections 285, 336, 504 IPC and Section 27 of the Arms Act, 1959, registered at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 19.05.2023 (Annexure P-2) executed between the parties.

2. *Learned counsel for the petitioner, inter alia, submits that FIR in question (Annexure P-1) was registered against the petitioner at the instance of respondent No. 2. He further submits that after the investigation, challan has been presented in the Court of learned Judicial Magistrate Ist Class, Kurukshetra, where it is pending for 13.06.2023.*

3. *Learned counsel for the petitioner further submits that with the intervention of the respectables, the matter has been compromised between the parties. As such, quashing of the FIR in question is sought for.*

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Vishal Malik, Deputy Advocate General, who is present in Court, accepts notice on behalf of the State-respondent No. 1.*

6. *Mr. Gautam Kumar, Advocate, accepts notice on behalf of respondent No.2 and has filed his Power of Attorney which is taken on record. He also admits the factum of compromise.*

7. *Accordingly, the private parties are directed to appear before the concerned trial Court/Illaq Magistrate on 13.06.2023 or any other date, convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

4. Whether the accused persons are involved in any other case or not.

5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainants are there in the FIR.

8. To await report of the trial Court, adjourned to 14.07.2023.”

4. In terms of aforesaid order, statements of both the parties were recorded and a report dated 03.07.2023 has been submitted in this regard by learned Judicial Magistrate First Class, Kurukshetra. The operative part of the same reads as under:-

“ This court is satisfied that aforesaid statements made by the parties are given voluntarily and their compromise has been arrived at without any pressure or undue influence from either side.”

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 officer present in the Court, also submitted that they have 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, this Court is fully convinced that the offence is entirely personal in nature and does not affect public peace or tranquility.

Thus, 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 petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs. 50,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

01.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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