

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

CRM-M-34410-2021

Date of Decision: April 27, 2023

LAKHWINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB AND ORS.

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurvinder Singh Aulakh, Advocate for petitioner.
Mr. Tarun Aggarwal, Sr. D.A.G. Punjab
Mr. Gagandeep Singh, Advocate for
Mr. Lalit Goyal, Advocate for respondents No.2 and 3.

HARKESH MANUJA, J. (ORAL)

By way of present petition under Section 482 Cr.P.C. the petitioner prays for quashing of case FIR No.0101 dated 04.07.2021 registered under Sections 452, 336 and 506 IPC and Sections 27, 54 and 59 of Arms Act, P.S.Gidderbaha, Tehsil Gidderbaha, District Sri Muktsar Sahib (P-1) along with all consequential proceedings arising out of the same on the basis of compromise (P-2).

2. As per allegations levelled in the FIR, the petitioner entered the house of complainants and fired a gun-shot in air while threatening to kill them.

3. In pursuance to an order dated 13.01.2023 passed by this Court whereby, the parties were directed to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them, a report dated 20.02.2023 has been received from the concerned Court, stating that the compromise in the present case is genuine, voluntary and without any pressure, coercion or

undue influence. No accused has been declared as proclaimed offender.

There are two complainants namely Malkeet Singh and Nasib Kaur.

4. Learned counsel for the petitioner submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2 and 3 have no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise entered into between the parties.

5 On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

6. I have heard learned counsel for the parties and gone through the records including the report dated 20.02.2023. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance

with the directions issued by this 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***".

7. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.0101 dated 04.07.2021 registered under Sections 452, 336 and 506 IPC and Sections 27, 54 and 59 of Arms Act along with all consequential proceedings arising therefrom, are hereby quashed.

8. The aforesaid order shall, however, be subject to payment of Costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Association Lawyer's Family Welfare Fund having account No. 41564846387 with State Bank of India, High Court Branch, Chandigarh, within a period of two weeks from today.

27.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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