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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33374-2023 (O&M)

Date of decision: August 21, 2023

Surjeet Singh and others

....Petitioners

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Gagandeep Singh Simble, Advocate for petitioners.

Mr. Mohit Thakur, AAG Punjab.

Ms. Prafula Sethi, Advocate for respondent No.2/ complainant.

ARUN MONGA, J. (ORAL)

Petition herein is under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.216 dated 05.11.2017, under Sections 307/ 323/ 506/ 148/ 149 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 27 of the Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Beas, Police District Amritsar Rural, District Amritsar, on the basis of compromise dated 04.04.2023, which is stated to have been arrived at between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 17.07.2023 had directed the parties to appear before the trial Court/ *Illaq*a Magistrate for recording of their statements in support of the compromise. A veracity report was also called for.

3. Placed on record is a report dated 18.08.2023 of learned Additional District & Sessions Judge, Amritsar and a perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and the same is genuine, voluntary without any coercion, pressure, undue influence and threat. The report is accompanied by the statements of the parties which were duly recorded.

4. Learned counsel appearing on behalf of respondent No.2 also makes a statement that the compromise having been effected, he would have no objection to the quashing of the FIR in question.

5. It is stated that alleged gunshot that was fired, was an act of self-defence and though Section 307 of IPC and provisions of Arms Act were invoked in the FIR, but it was merely on account of usage of a licenced gun. On a Court query, learned State counsel does not controvert the same.
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. Adverting back to the facts of the present case, it is apparent that the petitioners and complainant/respondent No.2 are known to each other as they are of the same area and compromise have been arrived at between the parties voluntary and without any coercion.
8. In the considered view of this Court, it would be 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 the impugned FIR.
9. For the reasons recorded above, the present petition is allowed. FIR No.216 dated 05.11.2017, under Sections 307/ 323/ 506/ 148/ 149 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 25, 27 of the Arms Act, 1959 (for short ‘Arms Act’), registered at Police Station Beas, Police District Amritsar Rural, District Amritsar *qua* the petitioners stands quashed.
10. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 21, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052