

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

**CRM-M-35904-2023(O&M)
DATE OF DECISION:20.09.2023**

Harinder singh alias Rav and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr.Deepak Gupta, Advocate,
for the petitioners.

Mr. Mohit Thakur, AAG, Punjab.

Mr.Avikaran Bansal, Advocate,
for respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.64 dated 23.11.2012 (Annexure P-1), registered under Sections 148/307/452/323/324/447/427/511/506/149 of IPC 1860 and Section 27 of the Arms Act, 1959, at Police Station Samalsar, District Moga and setting aside the judgment dated 15.03.2017 (Annexure P-2) vide which they were convicted under Sections 452/148/324/323 of the IPC, on the basis of compromise dated 29.12.2021 (Annexure P-3), stated to have been arrived between the parties.

2. Since quashing was sought on the basis of compromise, this Court vide order dated 26.07.2023 had directed the parties to appear before the *Illaqa* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 06.09.2023 of learned Additional Sessions Judge, Moga, has been received. Report reveals that statements of complainant party i.e. respondents No.2 and 3 as also of accused/present petitioners herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the

statements of parties. It is apparent that the complainant/respondents No.2 and 3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

4. Learned counsel for complainant/respondents no.2 and 3, on instructions from the complainant informs that merely on his allegation Section 307 of the IPC was invoked even though the injuries suffered by him were not grievous in nature. He further states that he would have no objection to the quashing of FIR in question.

5. 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, a Full Bench decision of this Court in *Kulwinder Singh and others V. State of Punjab and others*², *Sunder and another versus State of Haryana and others*³, *Gurjit Singh and another versus State of Punjab and others*⁴ and *Bhan Singh and others versus State of Punjab and others*⁵.

6. Adverting back to the facts of the present case, it is apparent that the compromise has been arrived at between the parties without any coercion.

7. 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.

8. For the reasons recorded above, the present petition is allowed. FIR No.64 dated 23.11.2012 (Annexure P-1), registered under Sections 148/307/452/323/324/447/427/511/506/149 of IPC 1860 and Section 27 of the Arms Act, 1959, at Police Station Samalsar, District Moga and all subsequent proceedings arising therefrom, as also the judgment dated 15.03.2017

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052

³2015 (26) R.C.R. (Criminal) 639

⁴2020 (4) R.C.R. (Criminal) 549

⁵ CRM-M-20712-2019, decided on 19.04.2022

(Annexure P-2) passed by learned Additional Sessions Judge, Moga, convicting the petitioners for the commission of offences under Sections 452/148/324/323 of IPC, stand quashed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 20, 2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No