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

CRM-M-38875-2023 (O&M)

Date of decision: 01.09.2023

Amit and another**...Petitioners****Versus****The State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present:- Mr. Gurkirat Singh, Advocate for
Mr. Gaurav Datta, Advocate,
For the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Vaibhav Bhargav, Advocate,
For respondents No.2 and 3.

ARUN MONGA, J. (ORAL)

The instant petition has been filed under Section 482 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') seeking quashing of FIR No.524 dated 05.06.2023 (Annexure P-1), under Section 307 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station, Samalkha, District Panipat and subsequent proceedings thereto, on the basis of compromise dated 22.06.2023 (Annexure P-2), which is stated to have been entered into between the parties.

2. Learned State counsel has tendered reply by way of affidavit of Narender Singh, HPS, Dy. Superintendent of Police, Samalkha, District Panipat, in the course of hearing which is taken on record.

3. Since quashing was sought on the basis of compromise, this Court on 10.08.2023 passed the following order :

“ Present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.524 dated 05.06.2023 registered under Section 307 read with Section 34 IPC registered at Police Station Samalkha, District Panipat (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of

compromise dated 22.06.2023 (Annexure P-2), which is stated to have been effected between the parties.

Inter alia contends that even though FIR has been registered by is invoking Section 307 IPC, it has been conceded version of complainant- respondent No.2 himself that he did not suffer any grievous injury. Even otherwise, the allegation that the same was caused by gun-shot was also factually incorrect as the injury was not only simply but also opined to be merely a lacerated wound as is borne out from MLR (Annexure P-5).

Notice of motion.

Learned State counsel, on service of advance copy of the petition, appears and accepts notice on behalf of the respondent-State of Haryana.

Ms. Srishti S. Sharma, Advocate with Mr. Vaibhav Bhargav, Advocate, appears, accepts notice on behalf of respondent Nos. 2 and 3 and admits the factum of compromise.

In the aforesaid premise, parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to the compromise on 22.08.2023.

A report with regard to veracity of the compromise be furnished to this Court on or before the next date.

Post it on 01.09.2023.”

4. *Apropos,* report dated 22.08.2023 of learned Judicial Magistrate 1st Class, Samalkha (Panipat) has been received. Perusal of same would reveal that the statements of complainant/respondents No.2 and 3 as also of accused/present petitioners herein have been duly recorded and it has been opined that a compromise has been arrived and is authentic, genuine, voluntary and out of free will of the parties. The report is accompanied by statements of the parties which were duly recorded.

5. Learned counsel for complainant/respondents No.2 and 3 states that he would have no objection to the quashing of FIR in question.

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.

¹Criminal Appeal No.1489 of 2012

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.524 dated 05.06.2023 (Annexure P-1), under Section 307 read with Section 34 of Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station, Samalkha, District Panipat and all proceedings emanating there from *qua* the petitioners stand quashed.
9. Pending application(s), if any, shall also stand disposed of.

SEPTEMBER 01, 2023	(ARUN MONGA)
Shalini	JUDGE
Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No