

CRM-M-45819-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

270

CRM-M-45819-2022

Date of decision: 24.08.2023

Palwinder Singh Sandhu and others

....Petitioners

V/s

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ritesh Aggarwal, Advocate for the petitioners.

Mr. Mohit Thakur, AAG Punjab.

Mr. Pankaj Bains, Advocate for respondent No.2.

ARUN MONGA, J. (Oral)

Petitioners seek quashing of FIR No.0168 dated 01.08.2022 (Annexure P-1), registered under Sections 307, 323, 427, 506, 148, read with Section 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station, Civil Lines, Patiala, District Patiala and all subsequent proceedings arising therefrom, on the basis of compromise dated 05.09.2022 (Annexure P-2), which is stated to have been effected between the parties.

2. Learned counsel for the petitioners states that though Section 307 IPC has been invoked but as per complainant's own version, the injury suffered by him is not dangerous to life and no ingredients of Section 307 IPC are made out. Relies upon judgment of this Court passed in CRM-M-27874-2021 titled "*Arun Kumar vs. State of Punjab and another*", decided on 16.11.2021.

2.1 As regards provisions of the Arms Act, 1959 are concerned, learned counsel for petitioners submits that no injury was suffered by any of the persons from complainant's side as the gunshot was merely fired in the air in self-defence from a licensed weapon.

3. Since quashing was sought on the basis of compromise, a co-ordinate Bench of this Court vide order dated 30.09.2022 had directed the parties to appear before the *Illaq* Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

4. Report dated 30.11.2022 of learned Judicial Magistrate 1st Class, Patiala, had been received. Report reveals that statements of complainant party i.e., respondent No.2 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 complainant/respondent No.2 and accused/petitioners herein, have arrived at a compromise voluntarily and without any coercion. As per the report, there are six persons arrayed as accused in this case but out of them only four have filed the instant petition. However, though fifth accused Kismat Ali @ Babbu Nai appeared before learned Court below and got recorded his statement *qua* compromise but he is not petitioner before this Court, while sixth accused Mohammad Aftaab @ Phool Mohammad neither appeared before learned Court below nor got his statement recorded *qua* compromise but is accused in the FIR.

5. Learned counsel for complainant/respondent No.2 states that he would have no objection to the quashing of FIR in question *qua* petitioners.

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*

CRM-M-45819-2022

*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. In the premise it is 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 impugned FIR.

8. Petition is thus allowed only *qua* petitioners. FIR No.0168 dated 01.08.2022 (Annexure P-1), registered under Sections 307, 323, 427, 506, 148, read with Section 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station, Civil Lines, Patiala, District Patiala and all subsequent proceedings emanating there from *qua* petitioners stand quashed.

9. In the parting, I may hasten to add that both accused Kismat Ali @ Babbu Nai and Mohammad Aftaab @ Phool Mohammad shall be at liberty to approach this Court for quashing of FIR *qua* them on the basis of compromise, if so advised.

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

(ARUN MONGA)
JUDGE

August 24, 2023
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052