

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

328

2023:PHHC:160852

CRM-M-51692-2023

Date of decision: December 14th, 2023

Balbuta Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab
for respondent No.1-State.

Ms. Navjot Kaur, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.126 dated 20.11.2022 under Section 336 of the Indian Penal Code, 1860 and Section 27 of the Arms Act registered at Police Station Sadar, District Kapurthala and the consequential proceedings arising out of the same, on the basis of compromise affidavit (Annexure P-2) arrived at, between the parties.

Vide order dated 11.10.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 14.11.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Additional Chief Judicial Magistrate, Kapurthala in pursuance of the directions of this Court, wherein, the factum of the compromise arrived

at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

The trial Court has annexed the copies of statements of the parties along with its report.

Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Additional Chief Judicial Magistrate, Kapurthala and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

December 14th, 2023

ps

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No