

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54797-2022 (O&M)

Date of decision: August 21, 2023

Gurpreet Singh @ Gopi

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for petitioner.

Mr. Mohit Thakur, AAG Punjab.

Mr. Tejinder Singh Hundal, Advocate for respondent No.2.

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.187 dated 16.11.2022, under Sections 307/ 323/ 506/ 34 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 City Rampura, District Bathinda, on the basis of compromise dated 18.11.2022, which is stated to have been arrived at between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 24.05.2023 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 27.07.2023 of learned Judicial Magistrate First Class (D), Phuland a perusal of the same would reveal that the statements of the complainant /respondent No.2 as also of the accused/present petitioner herein have been duly recorded and it has been opined that a compromise has been arrived and the same is without any coercion, undue influence or any pressure. 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. On a Court query, learned State counsel submits that though Section 307 of IPC was invoked in the FIR, but it was merely on account of usage of a licenced gun. Allegedly, gun shot was fired in the incident. Resultantly, provisions of Arms Act were invoked. No one was injured, as the bullet merely hit the ground.
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 compromise has been arrived at between the parties voluntary and without any coercion.
8. It would thus 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.187 dated 16.11.2022, under Sections 307/ 323/ 506/ 34 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 City Rampura, District Bathinda *qua* the petitioner 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