

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-57479-2023 (O&M)

Date of Decision: 22.12.2023

KRISHAN KUMAR PATEL AND ANOTHER

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the private parties.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 0058 dated 07.08.2020, registered under Section 307 of Indian Penal Code and Sections 25, 27 and 29 of Arms Act at Police Station Mansa Devi Complex, Panchkula and all subsequent proceedings arising therefrom, in view of the compromise dated 06.09.2023 (Annexure P-2).

2. On 21.11.2023, following order was passed:

“xxx

Main Case

Learned counsel for the petitioners contends that the offence under Section 307 IPC is not made out, as it is apparent from the perusal of the FIR that the injured/complainant suffered injuries due to accidental firing of arms. The petitioner and the complainant were not known to each other and therefore, there was no motive. It is further contended that with the intervention of respectable persons, the matter has been compromised between the petitioner and the complainant.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, accepts notice on behalf of respondent No.1-State.

In view of the compromise arrived at between the parties, let the parties appear before the trial Court/Illaqa Magistrate, as the case may be, within a period of 15 days from today for getting their statements recorded with regard to the compromise. The trial Court is directed to report on the following points:-

- (i) how many total accused are facing the trial;*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial;*
- (iii) status/stage of the trial/case;*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise;*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above. Report be sent through District and Sessions Judge, before the next date of hearing.*

Adjourned to 22.12.2023.

2. The FIR has been registered on the statement of complainant-Satpal-respondent No. 2 on the allegations of fire shot injury inflicted by the petitioners on the person of respondent No. 2. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated has been received from Additional District and

Sessions Judge, Panchkula stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab on instructions from the Investigating Officer admits the factum of compromise and submits that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The perusal of the record would indicate that the petitioner and the complainant-respondent No. 2 are not known to each other and there was no motive and the injury suffered on the ankles by the complainant is due to accidental fire and as such this Court is of the opinion that *prima facie* the offence under Section 307 of IPC is not made out in view of judgment passed by Hon'ble Supreme Court of India in the case of ***The State of Madhya Pradesh Vs. Laxmi Narayan and Others, 2019(5) SCC 688*** the FIR(supra) can be quashed.

7. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63,***

speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

8. Consequently, keeping in view the fact that the dispute has been amicably settled between the parties and in view of the law laid down by the Hon'ble Supreme Court in **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 0058 dated 07.08.2020, registered under Section 307 of Indian Penal Code and Sections 25, 27 and 29 of Arms Act at Police Station Mansa Devi Complex, Panchkula and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

(HARPREET SINGH BRAR)
JUDGE

22.12.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No