

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

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**CRM-M-51772 of 2019
Date of Decision: 22.02.2023**

Gulab Singh Patwari

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Vinod Pundir, Advocate, for
Mr. Manoj Sharma, Advocate for respondent No.2.

Manjari Nehru Kaul, J.(Oral)

The instant petition is for quashing of FIR No.161, dated 19.09.2017, lodged under Sections 307, 452 and 34 of the Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 (however charges were framed under Sections 452, 34 IPC and 25 of Arms Act, 1959), registered at Police Station City Gurdaspur, District Gurdaspur and the consequential proceedings arising out of the same, on the basis of compromise arrived at between the parties.

Vide order dated 05.12.2019 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Judicial Magistrate, Ist Class, Gurdaspur, in pursuance to the direction 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-petitioner is quashed.

The trial Court has annexed the statements of the parties in original, alongwith its report.

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

As per allegations levelled in the FIR in question, the petitioner had just pointed a fire arm towards the complainant and threatened them. Concededly, no injury was sustained by the complainant party.

In view of the report of the learned Judicial Magistrate Ist Class, Gurdaspur 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.

(MANJARI NEHRU KAUL)
JUDGE

22.02.2023

D.Bansal