

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(310)

CRM-M-3811-2024

Date of Decision:- 21.03.2024

Mandeep Singh

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Kuljit Singh, DAG, Punjab.

Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate
for respondent No.2.

ALOK JAIN, J. (Oral)

1. Prayer in this petition is for quashing of the **FIR No.242** dated **21.12.2023**, under Sections **323, 341** read with **Section 34** of the Indian Penal Code, 1860 and Section **27** of the Arms Act, 1959, registered at **Police Station City Kotkapura, District Faridkot (Annexure P-1)**, and all other subsequent proceedings arising therefrom on the basis of the compromise dated **15.01.2024 (Annexure P-2)**.
2. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated **24.01.2024** directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, report dated **13.02.2024** has been received from the **Judicial Magistrate 1st Class, Faridkot**, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.
3. Learned State counsel and learned counsel appearing on behalf

of respondent No.2 admit the factum of compromise and submit that they have no objection to quashing of the FIR on that basis.

4. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal prosecution in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases *Gian Singh v. State of Punjab and another* 2012(10) SCC 303 and *Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406 that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

5. Consequently, this petition is allowed. **FIR No.242 dated 21.12.2023, under Sections 323, 341** read with **Section 34** of the Indian Penal Code, 1860 and **Section 27** of the Arms Act, 1959, **registered at Police Station City Kotkapura, District Faridkot**, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner, subject to payment of cost of Rs.10,000/- to be deposited by the petitioner and Rs.5,000/- to be deposited by respondent No.2, within one month from today in Poor Patients Welfare Fund, PGIMER, Chandigarh.

6. However, since the allegations are serious in nature that the petitioner had kept his licenced weapon on the head of the complainant, therefore, he is directed to surrender his weapon to the authorities and the authorities shall re-visit the licence issued by them.

(ALOK JAIN)
JUDGE

March 21, 2024
Monika

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No