

CRM-M-6260-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

298

CRM-M-6260-2024

Date of Decision:-14.03.2024

Sukhwinder Singh@ Sangha and Anr.

.....Petitioners

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sidharth, Advocate for
Mr.Karanjeet Singh Brar, Advocate for the petitioners.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Navjot Narang, Advocate for
Mr. Rajat Dogra, Advocate for respondents No.2 and 3

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No.143** dated **28.08.2021**, under Sections **307, 323 and 34 of IPC and Sections 25 and 27 of Arms Act, 1959**, registered at Police Station **Sadar Ferozepur, District Ferozepur** and subsequent proceeding arising therefrom on the basis of compromise dated **19.10.2023** (Annexure P-2).
2. Keeping in view the fact that the parties entered into a settlement, this Court vide order dated **06.02.2024** directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated **05.03.2024** has been received from **Additional Chief Judicial Magistrate, Ferozepur** 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 respondents No.2 and 3 admit the factum of compromise and submit that they have no objection in 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 proceedings in such a situation will be an exercise in futility, as the chances of 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 the disputes among themselves in a *bona fide* manner.

5. The Hon'ble Apex Court in the case of "***State of Madhya Pradesh Vs. Laxmi Narayan***" (2019) 5 SCC 688, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in respect of non compoundable offences which are private in nature and do not have serious impact on society.

6. More so, the trial would also be a futile exercise as there is no cogent evidence to reach the conviction. Although the last part of the argument is not sustainable, as the Courts are well within its powers to proceed in the matter with the evidence available and merely because the parties have compromised would not be a ground, the trial would be

futility, however, considering the other aspect that the future of the daughter of the petitioner will be capitalized.

7. Keeping in view the law laid down by the Hon’ble Apex Court in the aforesaid judgment, the present petition stands allowed and **FIR No.143 dated 28.08.2021**, under Sections **307, 323 and 34 of IPC and Sections 25 and 27 of Arms Act, 1959**, registered at Police Station **Sadar Ferozepur, District Ferozepur** and subsequent proceeding arising therefrom, are hereby quashed qua the petitioners subject to costs of **Rs.25,000/-** to be paid by each of the petitioner and within a period of **two weeks** from today in the account of the **Poor Patients Welfare Fund, PGIMER, Chandigarh.**

8. Since the allegations in the FIR are that of misusing armed weapons and firing in the air, though there is no fire arm injury, the petitioners as well as respondents shall surrender their weapons with the authority and the authorities shall reassess the continuance of the arms licence granted to them, if any.

(ALOK JAIN)
JUDGE

14.03.2024
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No