

HARPREET SINGH AND OTHERS

.....Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Dhruv Gupta, Advocate for the petitioners.
Mr. Siddharth Sandhu, AAG, Punjab.
Mr. Manmeet Singh, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition under Section 482 Cr.P.C. the petitioners pray for quashing FIR No.5 dated 12.01.2017 registered under Sections 120-B, 148, 149, 307, 341 and 427 of IPC & Sections 25 and 27 of Arms Act at P.S. Makhu, District Ferozepur along with all consequential proceedings arising out of the same on the basis of the compromise/affidavit dated 02.05.2023 (Annexure P-2).
2. As per the allegations levelled in the FIR, the petitioners surrounded the complainant-respondent No.2 and attacked his vehicle with their respective weapons besides firing a gunshot at the same. Out of 17 accused persons, 14 have approached this Court. Though, the provisions of Section 307 IPC and Arms Act have been invoked, however, present is a case of no injury.
3. This Court while issuing notice of motion vide order dated 12.02.2024 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 12.02.2024, a report dated 09.04.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary. Though there were eight accused persons in the FIR, however, compromise has been effected only with six accused persons.

5. Thus once, the compromise has been arrived at between the parties without any pressure and respondent No.2 has no objection as regard quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR, in part, qua the petitioners. Even, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR in question, qua the petitioners, on the basis of compromise entered into between the parties.

6. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR(Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.)***

7. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in **‘Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and Another’**, **2012(4) R.C.R. (Criminal) 589** and this Court in **‘Joginder Singh & Another Vs. State of Punjab and Another’**, passed in CRM-M-23739-2010 decided on 27.04.2011, **‘Rajinder Singh Vs. State of Punjab & Another’**, passed in CRM-M- 37395-2016 decided on 16.05.2017 and **‘Vimal Kalra & others Vs. State of Punjab & another’**, passed in CRM-M-20355-2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the FIR No. 5 dated 12.01.2017 registered under Sections 120-B, 148, 149, 307, 341 and 427 of IPC & Sections 25 and 27 of Arms Act at P.S. Makhu, District Ferozepur along with all consequential proceedings arising therefrom, are hereby quashed qua the petitioners.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.1,40,000/- (Rs.10,000/- each) to be deposited with Poor Patients’ Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

15.04.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>