

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

(1) CRM-M No. 7212 of 2022 (O&M)
Date of Decision: 19.01.2024

Bahadur Singh Khattrra and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

(2) CRM-M No. 11984 of 2022 (O&M)

Balwinder Singh Sidhu and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Suneet Pal Singh Aulakh, Advocate,
for the petitioners (in CRM-M-7212-2022) and
for respondent No. 2 (in CRM-M-11984-2022)

Mr. Gagan Pradeep Singh Bal, Advocate
for the petitioners (in CRM-M-11984-2022) and
for respondent Nos. 2 to 4 (in CRM-M-7212-2022)

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

This order shall dispose of the present two petitions as the same
have arisen out of the same occurrence.

[2] The petitioners, by way of present petitions filed under Section
482 Cr.P.C., pray for quashing of FIR No. 02 dated 03.01.2020 under
Sections 323, 307, 341, 427, 506, 148 & 149 of IPC and Sections 25 & 27 of
Arms Act, registered at Police Station Amloh, District Fatehgarh Sahib and

its cross-version FIR No. 0010 dated 29.01.2020, under Section 307 of IPC and Sections 25 & 27 of Arms Act, registered at Police Station Amloh, District Fatehgarh Sahib, alongwith all consequential proceedings arising out of the same on the basis of compromise dated 05.03.2021.

[3] This Court while issuing notice of motion vide orders dated 21.02.2022 & 23.03.2022 passed in respective cases, directed the parties to appear before the Trial Court/Illaq Magistrate for recording their statements with regard to the validity of compromise.

[4] In pursuance of above orders dated 21.02.2022 & 23.03.2022, respective reports dated 19.05.2022 & 13.05.2022 have been received from the concerned Court, stating that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. No accused has been declared as proclaimed offender.

[5] Thus once, the compromise has been arrived at between the parties without any pressure and respondent(s) – complainant(s) / victim(s) having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR *qua* the petitioner(s). Even otherwise, in order to maintain peace and harmony between the parties, particularly under the present 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 on the basis of compromise entered into between the parties.

It is relevant to mention here that though there is a fire arm injury; however, the same is on the non-vital part of the victim. It is also

pointed out that as per status report dated 09.11.2022 filed in CRM-M-7212-2022 on behalf of respondent-State, the injuries on the persons of victim(s) are found to be simple in nature. For reference, relevant para-9 of the said status report is re-produced hereunder:-

“ 9. That it is further respectfully submitted that during the course of investigation, the Special Investigation Team also obtained opinion of Medical Board based on FSL reports received. The board of doctors opined the injuries on the persons of injured’s to be simple in nature and no definite opinion regarding weapons used for causing injuries was given and it was left open to be decided in view of the circumstantial evidence came on record. The weapon and vehicle’s used in commission of crime are recovered from accused-persons. Now all the accused persons in case / FIR No. 02 are on bail.”

[6] There has been cross-version of FIRs between the parties, which primarily arose on account of certain business disputes. The parties belong to the same town and have 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.) 543.***

[7] Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petitions are **allowed** and both the FIRs

(supra) as well as all subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner(s).

[8] The aforesaid order shall, however, be subject to payment of costs of Rs. 25,000/- to be deposited by the petitioner(s) in each case with the Punjab Police Welfare Fund, within a period of two weeks from today.

January 19, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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