

PRINCE AND ANR

Versus

STATE OF PUNJAB AND ANR

.....Petitioners

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Vaibhav Narang, Advocate for the petitioners.
Mr. Athar Ahmed, DAG, Punjab.
Mr. Kashish Sahni, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.142 dated 08.12.2023 registered under Section 307 and Sections 25 and 27 of Arms Act, 1959 at P.S. D Division, District Police Commissionerate Amritsar along with all consequential proceedings arising out of the same on the basis of compromise dated 16.01.2024.

2. As per allegations levelled in the FIR, the petitioners fired a gunshot upon complaint-respondent No.2 which hit on his left thigh.

3. This Court while issuing notice of motion vide order dated 21.02.2024 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 21.02.2024, a report dated 15.03.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondent No.2 and has no objection as regards 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. He also submits that 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 on the basis of compromise entered into between the parties.

6. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 15.03.2024. Though, the present case involves fire-arm injury upon person of complainant, however, the same is on non-vital part of body besides the parties to the litigation are resident of nearby vicinity. 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 directions issued by this 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”.

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 petition is allowed and FIR No. 142 dated 08.12.2023 registered under Section 307 and Sections 25 and 27 of Arms Act, 1959 at P.S. D Division, District Police Commissionerate Amritsar along with all consequential proceeding arising therefrom, are hereby quashed.

9. The aforesaid order shall, however, be subject to payment of Costs of Rs.20,000/- to be deposited with Government Medical Hospital, Amritsar within a period of two weeks from today. The petitioner volunteers to deliver two stretchers to the Government Medical hospital and receipt along with photographs in this regard be produced within a period of 15 days from today.

16.04.2024

(HARKESH MANUJA)
JUDGE

Tejwinder

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