



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13278-2023 (O&M)
Date of decision: 07.11.2024

HARPAL SINGH AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Deep Inder Singh Walia, Advocate
for the petitioners.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. K.P. Singh, Advocate
for respondents No.2 and 3.

HARPREET KAUR JEEWAN , J.

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.184 dated 10.08.2022, under Sections 148, 149, 323, 341, 354, 352-B, 427, 452, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Buria, District Yamuna Nagar (Annexure P-1), on the basis of compromise deed dated 31.10.2022 (Annexure P-2) executed between the parties.

[2] Learned counsel for the petitioners contends that the FIR was registered at the instance of respondent No.2 on account of a misunderstanding between parties. Both the parties are neighbourers. There was a version and cross-version, as such, 2 FIRs were lodged and proceedings in FIR No.166 dated 20.07.2022 under Sections 148, 149, 307, 323, 506, 452, 325 IPC and Section 25

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of the Arms Act, 1959 registered at Police Station Buria, District Yamuna Nagar have already been quashed by the Coordinate Bench of this Court vide order dated 20.04.2023 passed in CRM-M-13641-2023 (Annexure A-1). He further contends that the matter has been settled between the parties and compromise deed dated 31.10.2022 (Annexure P-2) has been executed between them, as such, respondents No.2 and 3 do not want to take any action in the FIR.

[3] Learned counsel for respondents No.2 and 3 confirms about the factum of compromise between the parties.

[4] On 16.03.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] As per the report dated 01.04.2023 received from Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri forwarded through the office of District and Sessions Judge, Yamuna Nagar at Jagadhri, compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. The petitioners have not been declared as 'Proclaimed Offenders'.

[6] Reply dated 27.08.2024 by way of an affidavit of Rajeev Miglani, HPS, Deputy Superintendent of Police, Jagadhri, Yamuna Nagar filed on behalf of the respondent-State, is taken on record.

[7] Learned State counsel has not raised any objection regarding the acceptance of the present petition. While referring to the said reply dated 27.08.2024, learned State counsel has informed that no recovery of pistol has been effected from the petitioners during the investigation.

[8] The parties are neighbourers and they want to continue living in the same place and in order to restore peace, they have effected a compromise. No



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recovery has been effected from the petitioners during the investigation. Even during the investigation, it has been found that none of the petitioners-accused was having a licensed weapon. There is no such reference in the status report filed on behalf of the State. In such circumstances, attracting offence under Section 25 of the Arms Act is highly debatable.

[9] Keeping in view the fact that the compromise between the parties is genuine and voluntarily made and in view of the ratio of the decision of Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543** and the decision of Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, the ends of justice would meet if the FIR and consequential proceedings are quashed by accepting the compromise between the parties.

[10] Consequently, this petition is allowed and FIR No.184 dated 10.08.2022, under Sections 148, 149, 323, 341, 354, 352-B, 427, 452, 506 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Buria, District Yamuna Nagar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] However, the respondents No.2 and 3 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise (Annexure P-2) are violated.

[12] Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.11.2024

P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No