

2024:PHHC:064187



CRM-M No.17611 of 2024 (O&M)

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

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CRM-M No.17611 of 2024 (O&M)

Date of Decision: 08.05.2024

KAMALJIT SINGH**.....Petitioner****Vs****STATE OF PUNJAB AND ANOTHERRespondents****CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. Siddharth Sandhu, Asstt. A.G., Punjab.

Mr. Kanav Gupta, Advocate for respondent No.2.

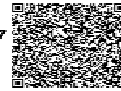
HARKESH MANUJA, J. (Oral)

[1]. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of FIR No.0026 dated 11.03.2023 registered under Sections 307, 336, 387, 427 IPC and Sections 25/54/59 of Arms Act at P.S. Sadar Gurdaspur, Tehsil and District Pathankot (Annexure P-1) along with all other subsequent proceedings arising therefrom on the basis of compromise dated 30.03.2024 (Annexure P-2).

[2]. The FIR in question was registered on the basis of complaint made by respondent No.2 with regard to alleged incident of firing outside her house. As per FIR, there are total five accused persons including the present petitioner.

[4]. In pursuance to order dated 09.04.2024 passed by this Court, whereby the parties were directed to appear before the *Illaq*a Magistrate/Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 25.04.2024 has been received from the concerned court, stating that the compromise is genuine, voluntary and without any coercion

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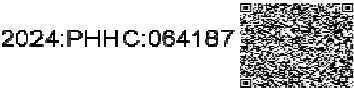
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or undue influence. The petitioner-accused has not been declared as proclaimed offender. Moreover, there is no fire arm injury in the present case and the petitioner is not involved in any other case.

[5]. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 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. 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.

[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 the case(s) of **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]. Further, learned counsel for the petitioner, while placing reliance upon the judgments passed by the Hon'ble Supreme Court in the case of **Jayrajsingh Digvijaysinh Rana Vs. State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589** and this Court in the case(s) of **Joginder Singh & another Vs. State of Punjab**



and another, passed in CRM-M No.23739 of 2010 decided on 27.04.2011, Rajinder Singh Vs. State of Punjab & another, passed in CRM-M No.37395 of 2016 decided on 16.05.2017 and Vimal Kalra & others Vs. State of Punjab & another, passed in CRM-M No.20355 of 2022, decided on 25.07.2022 submits that partial quashing of the FIR is possible on the basis of a compromise.

[8]. Moreover, learned counsel for the petitioner on instructions from his client, submit that he volunteer to serve public cause by providing one Cardiac Monitor to the Civil Hospital, Gurdaspur, Punjab.

[9]. 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 FIR No.0026 dated 11.03.2023 registered under Sections 307, 336, 387, 427 IPC and Sections 25/54/59 of Arms Act at P.S. Sadar Gurdaspur, Tehsil and District Pathankot as well as all the subsequent proceedings arising therefrom are hereby quashed *qua* the petitioner.

[10]. Accordingly, petition stands allowed, however, subject to providing one Cardiac Monitor to the Civil Hospital, Gurdaspur, Punjab within a period of two weeks from today as volunteered by the petitioner against due receipt issued by the concerned Civil Surgeon, who shall prepare an inventory in this regard for its regular inspection by the Director concerned. A copy of the receipt shall also sent to the office Advocate General, Punjab at the earliest for maintaining records in this regard.

May 08, 2024
Atik

(HARKESH MANUJA)
JUDGE

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