



CRM-M -20688-2023

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

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Date of Decision : May 09, 2024

NITIN MAHAJAN

.....Petitioner

***VERSUS***

STATE OF PUNJAB AND ANOTHER

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Amandeep Sharma, Advocate  
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Hardik Ahluwalia, Advocate  
for respondent No.2.

**KULDEEP TIWARI, J. (Oral)**

1. The instant petition, as cast under Section 482 of the Cr.P.C., proffers the hereinafter extracted relief, as craved by the petitioner, inasmuch as, quashing of the FIR No.202 dated 13.12.2022, under Section 336 IPC and under Sections 25, 27 of the Arms Act, registered at P.S. City Batala, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom, on the basis of a compromise dated 2.3.2023 (Annexure P-2), as entered into *inter se* the petitioner and respondent No.2/complainant.
2. In the asked for relief (supra), the learned counsel for the petitioner submits that the allegations against the petitioner are that the petitioner has used his licensed gun and opened fire, however, no injury

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was caused to any one, therefore, the invocation of Sections 25 and 27 of the Arms Act is highly debatable. He has placed reliance upon the judgments passed by a Co-ordinate Bench of this Court in **Harwinder Singh @ Bindi and others Vs. State of Punjab and others, CRM-M-39987 of 2017, decided on 31.3.2022** and in **Kanwardeep Singh and another Vs. State of Punjab and others, CRM No.M-36087-2010, decided on 28.1.2011** to submit that FIRs under Sections 25 and 27 of the Arms Act have also quashed on the ground of compromise.

3. This Court has put a specific query to the learned State counsel for the reasons of invocation of Sections 25 and 27 of the Arms Act, to which he replied on instructions imparted to him by ASI Dalbir Singh that since the license was not supplied at the relevant time, therefore, the above offences were invoked.

4. Be that as it may, considering the fact the matter has been compromised, a Co-ordinate Bench of this Court had, through an order drawn on 26.4.2023 upon the instant petition, besides issuing notice, directed the parties to appear before the learned trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-2). Moreover, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

5. Consequent to the making of the directions (*supra*), the parties appeared before the learned Sub Divisional Judicial Magistrate, Batala and got their respective statements recorded, thereby

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authenticating the compromise (Annexure P-2). Accordingly, in compliance of the directions (supra) of this Court, a Report bearing No.752 dated 4.7.2023 has been received from the learned Sub Divisional Judicial Magistrate, Batala, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (supra) being drawn in a genuine and voluntary and without any pressure or coercion and out of free will of the parties.

6. This Court have heard counsel for the parties and gone through the case file.

7. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled **“Abhishek Singh & others V/s State of Punjab & others”**, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the instant petition, has observed as under:-

*“9. The following aspects would be relevant to conclude this petition:-*

*a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*

*b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*

*c) The victim has willingly consented to the nullification of criminal proceedings;*

*d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*



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- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

8. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not of grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543, Kulwinder Singh, others Vs. State of Punjab 2007(3) RCR (Criminal) 1052, Harwinder Singh @ Bindi's case (supra) and Kanwardeep Singh's case (supra)***, the present petition for quashing the FIR (supra) is hereby allowed.

9. Resultantly, FIR No.202 dated 13.12.2022, under Section 336 and under Sections 25, 27 of the Arms Act, registered at P.S. City Batala, Police District Batala, District Gurdaspur and all subsequent proceedings arising therefrom, are, hereby, **quashed** on the basis of a

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compromise (Annexure P-2), subject to payment of ₹5,000/- to be deposited with the District Legal Services Authority concerned.

May 09, 2024  
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(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No