

253-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53708-2023
Date of decision: 29.02.2024

RUBAL MAHAJAN AND OTHERS
V/S
STATE OF PUNJAB AND ANOTHER
...PETITIONERS
...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hardeep Singh, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG, Punjab.

Mr. Gaurav Partap Singh Pathania, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (ORAL)

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No.210 dated 17.11.2022 registered under Sections 307, 341, 506, 323 and 34 of Indian Penal Code and Section 27 of Arms Act, 1959 at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising therefrom in view of the compromise dated 04.09.2023 (Annexure P-4).

2. The following order was passed on 25.01.2024 :-

“This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 210 dated 17.11.2022 registered under Sections 307, 341, 506, 323 and 34 of Indian Pernal Code and Section 27 of Arms Act at Police Station Division No. 2, District Pathankot and all subsequent proceedings arising therefrom in view of the compromise dated 04.09.2023 (Annexure P-4).

Learned counsel for the petitioner inter alia contends that the offence under Section 307 of Indian Penal Code has been deleted and offence under Section 326 of IPC has been added later on in the FIR (supra), as it is a case of no injury with the fire arm weapon. The parties have compromised the dispute. Learned counsel has further relied upon the judgment of Hon'ble Supreme Court passed in State of Madhya Pradesh Vs. Laxmi Narayan (2019) 5 SCC 688.

Notice of motion.

At this stage, on the asking of the Court, Mr. Subhash Godara, Addl. AG Punjab accepts notice on behalf of respondent-State and Mr. Vikasdeep Singh, Advocate for Mr. Gaurav Partap Singh Pathania, Advocate accepts notice for respondent No. 2 and files power of attorney and admits the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Parties are directed to appear before the learned trial Court/Illaq Magistrate within a period of two weeks from today or any other date convenient to the trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 29.02.2024.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

3. In compliance of the above order, a report has been received from the concerned jurisdictional Court that the compromise between the parties is genuine and arrived at without any pressure or coercion from anyone. Learned State counsel submits that this is a partial compromise.

4. Learned counsel for the petitioners submits that in view of the law laid down by Hon'ble Supreme Court in **Jayaraj Digvijaysinh Rana Vs. State**

of Gujrat and another 2012(4) RCR (Crl.) 589 and this Court in *Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256*, partial compromise is permissible.

5. In view of the compromise and the ratio of law laid down by the Hon'ble Supreme Court in *Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466 and Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834* and *Shakuntala Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63* and Full Bench of this Court in *Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052*, this petition is allowed and FIR No.210 dated 17.11.2022 registered under Sections 307, 341, 506, 323 and 34 of Indian Penal Code and Section 27 of Arms Act, 1959 at Police Station Division No.2, District Pathankot (Annexure P-1) and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

February 29, 2024
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(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |