

CRM-M-60134-2023

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

(279)

CRM-M-60134-2023

Date of Decision:-**February 06, 2024**

Ajay Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Ms. Ravisha Mahajan, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. D.S. Sidhu, Advocate for respondent No. 2.

ALOK JAIN, J. (Oral)

1. The instant petition has been filed under Section 482 Cr.P.C. seeking quashing of **FIR No. 104 dated 10.07.2021**, registered under **Sections 307 and 34** of Indian Penal Code, 1860 read with **Sections 25/27/54/59** of the Arms Act at Police Station Verka, District Police Commissionerate, Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 27.08.2023 (Annexure P-4).

2. Learned counsel for the petitioners has taken this Court to the order dated 18.07.2022, whereby, the earlier compromise quashing petition was not allowed on the ground that the contents of the compromise effected did not demonstrate the correct objective, however, a compromise has been again effected between the parties on 27.08.2023 (Annexure P-4) in which

it has been mentioned that the entire incident took place only on the basis of

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misunderstanding and the involvement of the young girl of the petitioner could hamper her future life.

3. Keeping in view the fact that the parties entered into a compromise, this Court vide order dated 01.12.2023 directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded in that regard. Pursuant thereto, a report dated 14.12.2023 has been received from the Judicial Magistrate 1st Class, Amritsar, stating that the compromise arrived at between the parties is voluntary and the same is without any pressure, coercion or undue influence.

4. Learned State Counsel and learned counsel for respondent No.2 admit the factum of compromise and submit that they have no objection to quashing the FIR on that basis.

5. Perusal of the aforesaid report establishes that the parties have amicably settled their dispute, and continuance of criminal proceedings in such a situation will be an exercise in futility, as the chances of ultimate conviction are bleak. The power under Section 482 Cr.P.C. can be exercised in such matters. It has been held by Supreme Court of India in cases ***Gian Singh v. State of Punjab and another* 2012(10) SCC 303** and ***Narinder Singh and others v. State of Punjab and another* 2014(6) SCC 406** that criminal cases having overwhelmingly civil character, particularly those arising out of commercial transactions or matrimonial relationships or family disputes, should be quashed when the parties have resolved their disputes among themselves in a *bona fide* manner.

6. The Hon'ble Apex Court in the case of ***"State of Madhya Pradesh Vs. Laxmi Narayan"* (2019) 5 SCC 688**, has upheld that the High Court under Section 482 Cr.P.C. can quash the criminal proceedings in

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respect of non compoundable offences which are private in nature and do not have serious impact on society.

7. More so, the trial would also be a futile exercise as there is no cogent evidence to reach the conviction. Although the last part of the argument is not sustainable, as the Courts are well within its powers to proceed in the matter with the evidence available and merely because the parties have compromised would not be a ground, the trial would be futility, however, considering the other aspect that the future of the daughter of the petitioner will be capitalized.

8. Keeping in view the law laid down by the Hon'ble Apex Court in the aforesaid judgment, the present petition stands allowed and **FIR No. 104** dated **10.07.2021**, registered under **Sections 307** and **34** of Indian Penal Code, 1860 read with **Sections 25/27/54/59** of the Arms Act at Police Station Verka, District Police Commissionerate, Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed *qua* the petitioners, subject to payment of cost of Rs. 10,000/- each to be deposited by the petitioners and Rs. 10,000/- to be deposited by respondent No.2 within one month from today in ***Poor Patients Welfare Fund, PGIMER, Chandigarh.***

(ALOK JAIN)
JUDGE

February 06, 2024

Parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No