

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-62181-2023

Date of Decision:-25.04.2024

Mahipal & Anr.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vimal Kumar Gupta, Advocate for the Petitioners.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

Mr. Arjun Dhingra, Advocate for respondent nos.2 to 5.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for quashing of FIR No.31 dated 12.02.2023 (Annexure P-1) under Sections 307, 34 and Sections 25(1-B)(a), 27(1)-30-25 of Arms Act registered at Police Station Sector 37, Gurugram and all consequential proceedings arising therefrom on the basis of compromise dated 20.11.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 11.12.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 11.12.2023 with regard to the compromise dated 20.11.2023 (Annexure P-2).

In terms of the orders dated 11.12.2023 passed by this Court parties have appeared before the court of Additional District & Sessions

Judge Gurugram and as per report dated 07.02.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

Perusal of the aforesaid report would show that the parties have effected a genuine compromise without there being any pressure, coercion or undue influence. In view of the compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.PC can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be fully in consonance with the direction issued by the Court in ***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.***

In the present case, undoubtedly, the FIR has been registered under Section 307 IPC and therefore, the question would be as to whether the FIR could be quashed.

The Hon'ble Supreme Court in ***Narinder Singh and Others vs State of Punjab and Another, 2014 (2) RCR (Criminal) 482***, and ***State of Madhya Pradesh vs Laxmi Narayan and Others, 2019(2) RCR (Criminal) 255***, have categorized those cases where quashing on the basis of compromise was permitted and those in which, it was not permitted. It was further observed that the Court concerned may look into the medical evidence and examine the same to see as to whether the conviction under Section 307 of the IPC was possible or not.

Thus, mere registration of an FIR under Section 307 did not foreclose the right of the petitioner/accused to effect a compromise and get the FIR quashed.

In the present case, gunshots were fired but no firearm injury has been caused to any person. Therefore, it is extremely unlikely that a conviction would be recorded under Section 307 IPC.

In view of the above, the present petition is allowed. FIR No.31 dated 12.02.2023 (Annexure P-1) under Sections 307, 34 and Sections 25(1-B)(a), 27(1)-30-25 of Arms Act registered at Police Station Sector 37, Gurugram along with all consequential proceedings arising therefrom are hereby quashed qua the petitioners.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 25, 2024
Vinay

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