

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64889-2023

Date of Decision: February 20, 2024

DAMAN @ DAMAN KALYAN AND OTHERSPetitioners
Versus
STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tanveer Singh, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioners.
Mr. Davinder Bir Singh, Sr. DAG, Punjab.
Mr. Kashav Chadha, Advocate for respondent No.2.

HARKESH MANUJA, J. (ORAL)

By way of this petition filed under Section 482 Cr.P.C. the petitioners pray for quashing of case bearing FIR No.304 dated 29.10.2023 registered under Sections 307 and 34 of IPC & Sections 25/54/59 of Arms Act, 1959 at P.S. Rama Mandi, District Jalandhar, Punjab, along with all consequential proceedings arising out of the same on the basis of compromise dated 04.12.2023.

2. As per allegations levelled in the FIR, petitioner No.1 accompanied by petitioners No.2 and 3 fired a gun shot at the complainant which fortunately missed him.

3. This Court while issuing notice of motion vide order dated 22.12.2023 directed the parties to appear before trial Court for getting their statements recorded as regards the veracity of the compromise arrived at between them.

4. In pursuance to the order dated 22.12.2023, a report dated 22.01.2024 has been received from the concerned Court, stating that the compromise in the present case is genuine and voluntary.

5. Learned counsel for the petitioners submits that once, a compromise has been arrived at between the parties without any pressure and respondents No.2 has no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioners; the dispute purely personal in nature, there does not appear to be any impediment as regards quashing of present FIR. He also submits that even, in order to maintain peace and harmony between the parties, particularly under the 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. On the other hand, learned State counsel submits that allegations in the present FIR are of serious nature and he opposes the prayer made in the petition.

7. I have heard learned counsel for the parties and gone through the records including the report dated 22.01.2024. Though, the present FIR was registered under Section 307 of IPC, however, it is a no injury case and there is no other FIR against the petitioner. 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 directions issued by this 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***".

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8. Thus, in view of the aforesaid report, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, the petition is allowed and FIR No.304 dated 29.10.2023 registered under Sections 307 and 34 of IPC & Sections 25/54/59 of Arms Act, 1959 at P.S. Rama Mandi, District Jalandhar, Punjab along with all consequential proceeding arising therefrom, are hereby quashed.
9. The aforesaid order shall, however, be subject to payment of Costs of Rs.25,000/- to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from today.

20.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>