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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24820-2023 (O&M)

Date of decision: 09.10.2023

Rahul Sharma and others

...Petitioner

VS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Deepak Gupta, Advocate,
For the petitioners.

Mr. Hakam Singh, AAG, Punjab.

Mr. Harwinder Pal Singh, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Petitioners seek quashing of FIR No.181 dated 23.08.2022(Annexure P-1) registered under Sections 308, 323, 148, 149 of IPC and Section 25, 27 of Arms Act, 1959 at Police Station, Baghapurana, District Moga on the basis of compromise dated 29.04.2023 (Annexure P-2), stated to have been arrived between the parties.

2. Since quashing was sought on the basis of compromise, this Court on 17.05.2023 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording their statements in support of the compromise. A veracity report was also called for.

3. Report dated 07.07.2023 of learned Sub Divisional Judicial Magistrate, Baghapurana had been received. Report reveals that statements of complainant party i.e. respondents No.2 and 3 as also of accused/present petitioners herein, were duly recorded. It is opined that a compromise has been arrived at without any pressure, undue influence or coercion. The report is accompanied by the statements of parties. It is apparent that the complainant/respondents No.2 and 3 and accused/petitioners have arrived at a compromise voluntarily and without any coercion.

4. It transpires that though provisions of Arms Act have been invoked but as far as the petitioners are concerned, there are no allegation *qua* them of having fired a

gun shot in the incident in question. Therefore, neither the complainant nor the prosecution is pressing any charges under the Arms Act *qua* the petitioners.

5. Learned counsel for complainant/respondent No.2 and 3 states that hewould have no objection to the quashing of FIR in question.

6. This Court in appropriate cases can exercise the power under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. A reference in this regard may be made to a decision dated 29.09.2021 of the Supreme Court in case titled “*Ramgopal and anr. V. The State of Madhya Pradesh*”¹ and a Full Bench decision of this Court in “*Kulwinder Singh and others V. State of Punjab and others*”² .

7. In the premise it is an appropriate case for exercise of power under Section 482 Cr.P.C. and to bring to an end the criminal proceedings initiated in the light of impugned FIR.

8. Petition is thus allowed. FIR No.181 dated 23.08.2022 (Annexure P-1) registered under Sections 308, 323, 148, 149 of IPC and Section 25, 27 of Arms Act, 1959 at Police Station, Baghapurana, District Moga and all proceedings emanating there from *qua* the petitioners stand quashed.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

09.10.2023
vandana

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

¹Criminal Appeal No.1489 of 2012

²2007 (3) RCR (Criminal) 1052