

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

270

CRM-M-23199-2019 (O&M)
Decided on: 18.02.2020

Bagicha Singh and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Davinder Singh Khurana, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Vipul Babuta, Advocate
for respondents No.2 to 5.

JASGURPREET SINGH PURI, J. (ORAL)

Through this petition, filed under Section 482 Cr.P.C., the petitioners have prayed for quashing of FIR No. 147 dated 04.07.2013, under Sections 452, 324, 323, 148 and 149 IPC, registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1) and the proceedings arising therefrom, on the basis of the compromise dated 04.10.2013 (Annexure P-2) entered into between the parties.

On 20.05.2019, this Court had directed the parties to appear before the learned trial Court for recording their statements with regard to the compromise.

Learned counsel for the petitioners has submitted that it is case of cross version and compromise has been effected in the very threshold and the statements have been recorded by the learned trial Court. He further submits that even as per FIR, the injuries which have been attributed to the petitioners were simple in nature and otherwise it was a case where fight took place during the election period because of political rivalry and due to misunderstanding between two parties.

Mr. Cheema, learned AAG, Punjab, has stated that in this case reply has not been filed but so far as the factual aspect is concerned, it is not in dispute that this case is not a case which can be categorised as a serious or heinous crime because it was a case of simple injury.

Mr. Vipul Babuta, Advocate who has appeared for respondents No.2 to 5 has also stated that he does not wish to file any reply and does not dispute the factual aspect and has also not disputed the compromise having been effected between the parties and the statements recorded by the learned trial Court.

A report has been received from learned additional Chief Judicial Magistrate, Ferozepur that the complainants namely Parwinder Singh, Gurmeet Singh, Hardev Singh and Gurwinder Singh suffered a joint statement that they have effected compromise with the accused namely Bagicha Singh, Darshan Singh, Mangal Singh, Kuldip Singh, Shingara Singh, Swaran Singh, Gurnam Singh, Kabal Singh, Rashpal Singh and Harjinder Singh voluntarily and with the intervention of the respectables of locality without any inducement, threat, pressure or coercion. They further stated that there is no other accused in the present FIR except the abovesaid

accused persons and that there is no other complainant or affected/aggrieved party except them in the present FIR and that they have no objection if the present FIR is quashed. The accused persons also suffered a joint statement to the effect that they have effected compromise with the complainant voluntarily and with the intervention of the respectables of locality without any inducement, threat, pressure or coercion.

Learned Additional Chief Judicial Magistrate, Ferozepur has recorded her conclusion that the statements of the parties are bonfide and are not result of any pressure or coercion etc. in any manner and that the compromise effected between the parties is genuine and valid and further that there is no other accused in the present FIR except the petitioners and that there is no other complainant or affected/aggrieved party other than the respondents in the present FIR.

I have heard learned counsel for the parties, perused the report filed by the learned Additional Chief Judicial Magistrate, Ferozepur.

Apparently, it is a case where two rival political parties in which as per the fight between the parties, simple injuries have been caused to the complainants and as stated by learned counsel for the parties, it is also a case of cross version. The law with regard to the quashing of FIR based on compromise is well settled.

It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then in the facts and circumstances of the case, the FIR can be quashed on the basis of compromise as no useful purpose would be served in case the litigation is dragged on.

The law with regard to quashing of FIR on the basis of settlement in such like cases has been settled by this Court in a Full Bench judgment in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**.

In view of the law laid down by this Court and in view of the totality of facts and circumstances of the present case, I deem it appropriate that since the case does not fall within the category of serious and heinous crime, the present FIR No. 147 dated 04.07.2013, under Sections 452, 324, 323, 148 and 149 IPC, registered at Police Station Sadar Ferozepur, District Ferozepur is hereby quashed qua the petitioners alongwith all the consequential proceedings arising therefrom.

The petition stands allowed.

(JASGURPREET SINGH PURI)
JUDGE

18.02.2020

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Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No