

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

**CRM-M No.26208 of 2020
Date of Decision:-29.10.2020**

Manjinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. G.S. Salana, Advocate
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. F.S. Virk, Advocate
for respondents No.2 and 3.

Through Video Conferencing

JASGURPREET SINGH PURI J.(Oral)

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.204 dated 14.07.2020, under Sections 341, 364, 427 and 506 IPC, registered at Police Station Bhawanigarh, District Sangrur (Annexure P-1) on the basis of compromise dated 31.7.2020 (Annexure P-2).

The controversy involved in the present case is that an FIR No.204 dated 14.07.2020, under Sections 341, 364, 427 and 506 IPC was registered on the basis of a complaint made by Jashanpreet Singh-

respondent No.2 against the petitioners, who are the relatives of respondent No.3. The respondents No.2 and 3 are married to each other and their marriage was performed by way of love marriage on 03.7.2020. As per the allegations the petitioners who were the relatives of the girl were interrupting the marriage and they even tried to stop the car and broke the glasses of the car with sticks and forcibly pulled respondent No.3 from the car and picked up and threatened the complainant.

The learned counsel for the petitioners has submitted that it was a case where the relative of the girl did not accept the marriage of respondents No.2 and 3 and therefore as a result of misunderstanding the present FIR was lodged. He has submitted that thereafter vide Annexure P-2, a compromise has been effected between all the parties on 31.7.2020. When this case came up for hearing on 04.9.2020 this Court had issued notice of motion in which the counsels for respondents No.2 and 3 appeared. This Court also directed all the parties to appear before the Illaqa Magistrate/trial Court for recording of the statement in the context of the compromise and the Illaqa Magistrate/Trial Court was also directed to submit its report with regard to genuineness of the compromise viz-a-viz number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not on or before the adjourned date.

This Court has received a report from Shri Ajay Pal Singh, Chief Judicial Magistrate, Sangrur dated 11.9.2020 in which the Chief Judicial Magistrate has stated that the complainant Jashanpreet Singh and Harpreet Kaur have stated that the FIR was got registered by them and now

the matter has been voluntarily compromised with the accused without any pressure, coercion or undue influence and out of free will in the above stated FIR. They have further stated that they have no objection in quashing of the FIR in question against the accused. The accused have also stated that they have compromised the matter voluntarily with the complainant Jashanpreet Singh and Harpreet Kaur without any pressure, coercion and undue influence. The accused have also stated that there is neither any proclamation proceedings against them nor they have been declared proclaimed offenders in this case or in any other case. It is further stated in the report that the accused are neither declared as proclaimed offender or any proclamation proceedings are pending against them in the present case and that the compromise as per the statement of complainant and the accused has been arrived voluntarily and without any pressure or coercion between them.

Learned State counsel has not disputed the factum of compromise between the parties and has stated that he has no objection in case the present petition is allowed and the FIR, which is still at the stage of investigation, is quashed because no further useful purpose would be served in continuing the same. Similarly, learned counsel for respondents No.2 and 3 also submitted that the compromise between the parties was genuine and therefore no useful purpose will be served in case the proceedings in the FIR are continuing.

I have heard learned counsel for the parties.

The law with regard to the quashing of FIR on the basis of compromise is longer res integra. The power under Section 482 Cr.P.C. is to

be exercised not in a casual or in a mechanical manner and is rather to be exercised in a manner so as to elicitate the cause of substantial justice. There can be no straight jacket formula for the purpose of quashing of FIR on the basis of compromise. However, extreme caution has to be taken in cases of quashing of FIR and consequential proceedings based on compromise. In case of serious and heinous crime, such power should not be exercised, however, in other cases, where the Court is satisfied that no useful purpose would be served in case the proceedings are allowed to be continued and rather it would not be in the interest of justice to do so, the proceedings can be considered for being quashed on the basis of compromise.

In the present facts and circumstances of the case the allegations in the present case pertains to non-acceptance of the love marriage of respondents No.2 and 3 by the petitioners who are the relatives of the girl, which resulted into the lodging of the FIR. As per the learned counsel for the parties it is a case of no injury to any of the parties and once the matter has now been compromised and the parties are living peacefully, no useful purpose would be served in case the present proceedings of the FIR are allowed to be continued. This Court is of the opinion that it is a fit case where the FIR may be quashed on the basis of compromise between the parties as no useful purpose would be served in case the criminal proceedings are ordered to be continued.

Apart from that, a perusal of the report of learned Chief Judicial Magistrate would show that the compromise has been effected voluntarily between the parties and without any pressure, coercion and

undue influence.

Therefore, keeping in view the law laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and the law laid down by Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the present petition is allowed and the FIR No.204 dated 14.07.2020, under Sections 341, 364, 427 and 506 IPC, registered at Police Station Bhawanigarh, District Sangrur, is ordered to be quashed qua petitioners.

October 29, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No