

CRM-M-28003-2019 (O&M)

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

**CRM-M-28003-2019 (O&M).
Decided on: March 02, 2020.**

Tejinder Singh @ Rocky and others

.. Petitioners

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vikram Jeet Singh, Advocate,
for the petitioners.**

**Mr.Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Kewal Kumar.**

**Mr.Jogender Pundir, Advocate,
for complainant – respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of F.I.R. No.294 dated 23.11.2015, under Sections 452,
323, 341, 506, 201, 148 and 149 IPC, registered at Police Station Sohana,
District S.A.S.Nagar, Mohali (Annexure P1) and all subsequent
proceedings arising therefrom on the basis of compromise dated
14.06.2019 (Annexure P2).

CRM-M-28003-2019 (O&M)

Learned counsel for the petitioners has submitted that allegations in the present FIR qua the petitioners are that they had attacked the complainant Amarjit Kaur and his son with *dang* and *gandasi* in a dispute of digging of some drain in front of house of the complainant. He has further submitted that with the intervention of respectable members of the society, a compromise has been arrived at between the petitioners and complainant – respondent No.2 and therefore, relying upon compromise Annexure P2, he prays for quashing of the FIR.

On 04.07.2019, a Coordinate Bench of this Court while issuing notice of motion had directed the parties to appear before the Illaqa Magistrate/trial Court on 10.07.2019, for getting their statements recorded and it was further directed that after recording of the statements, the learned Illaqa Magistrate/trial Court shall send a report to this Court regarding the authenticity and genuineness of the compromise as well as regarding the fact that there is no other accused other than the petitioners, and that there is no other complainant or affected/aggrieved party other than the respondents, arrayed in this petition.

In pursuance to above order, a report has been received from the learned Additional Chief Judicial Magistrate, S.A.S. Nagar, Mohali, wherein, it has been stated that respondent No.2 Amarjit Kaur complainant and respondent No.3 Gurinder Singh and petitioners appeared before the said Court and got their statements recorded regarding the compromise. It has been further stated that in view of the statement of the parties, the compromise appears to be authentic and genuine and that

CRM-M-28003-2019 (O&M)

there is no other accused person other than the petitioners arrayed in the petition and there is no other complainant or affected/aggrieved party other than the respondents arrayed in the petition.

No reply either on behalf of respondent No.1 – State or complainant – respondent Nos.2 and 3 has been filed in the present case.

Learned State counsel, on instructions, submits that the State has no objection in case the FIR in the present case is quashed because it is not such a case which falls under the category of heinous and serious crime.

After hearing the learned counsel for the parties and after perusing the report submitted by the learned Addl. Chief Judicial Magistrate First Class, S.A.S. Nagar, Mohali, in compliance with the directions issued by this Court, I am of the considered opinion that since the matter has been amicably compromised between the parties and it is not a case where it can be termed as serious or heinous crime, no useful purpose would be served in case the litigation is lingered on. It is no longer *res integra* that in cases where no useful purpose would be served by further prolonging the litigation in case compromise has been arrived at between the parties without any coercion, threat or undue influence, it would be in the interest of justice to quash the FIR. Thus, it is a settled law that in case the offence does not fall within the category of serious and heinous crime then according to the facts and circumstances of the case, the FIR can be quashed on the basis of compromise.

Thus, following the judgment in **Kulwinder Singh and**

others Versus State of Punjab and another 2007 (3) RCR (Criminal)
1052 as well as Gian Singh Versus State of Punjab and others (2012) 10
SCC 303, this petition is allowed and F.I.R. No.294 dated 23.11.2015,
under Sections 452, 323, 341, 506, 201, 148 and 149 IPC, registered at
Police Station Sohana, District S.A.S.Nagar, Mohali (Annexure P1) and
all subsequent proceedings arising therefrom on the basis of compromise
dated 14.06.2019 (Annexure P2) are quashed qua the petitioners only on
the basis of compromise.

March 02, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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