

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

**CRM-M-28418 of 2019
Date of Decision:-21.01.2020**

Jaswant Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Manoj Sharma, Advocate for
Mr. Varinder Basa, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Vikki Sharma, Advocate
for respondent No.2.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed by three petitioners, who are accused in FIR No.75 dated 11.10.2018, under Sections 323, 324, 34 IPC, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, on the basis of compromise (Annexure P-2).

On 08.7.2019, this Court had directed the parties to appear before the learned Area Magistrate up to 25.7.2019 and to record their statements and it was further directed that the Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has

been arrived at without any kind of undue influence or pressure etc.

A report has been received from the Judicial Magistrate 1st Class, Batala, in which it has been stated that the complainant/respondent No.2-Tarlok Singh son of Shingara Singh, aged about 67 years, resident of village Baroye, P.O. Dhariwal, Tehsil and District Gurdaspur has suffered a statement on oath that he has got recorded his statement that the matter with regard to FIR No.75 dated 11.10.2018, under Sections 323, 324, 34 of IPC, P.S. Sekhwan, Police District Batala was registered on his statement and the same has been compromised between him and the accused in the present case with his own free consent and without any pressure or coercion or undue influence. He has placed on record copy of his Aadhar Card as Ex.P1 for the purpose of identification. It has been further stated in the report that the accused persons, namely, Jaswant Singh son of Shingara Singh, Kulbir Singh son of Jaswant Singh and Lakhwinder Kaur wife of Jaswant Singh, all residents of village Baroye, P.O. Dhariwal, District Gurdaspur have also got their statements recorded to the effect that in the instant FIR, they have effected a compromise with the complainant with their own free consent and without any pressure or coercion or undue influence. They have further stated that they are neither involved/convicted in any other criminal case and they have also been duly identified by their counsel. It has been further reported by learned Area Magistrate that the statement of ASI Bikramjit Singh has also been recorded to the effect that the aforementioned FIR was registered, in which Tarlok Singh was the complainant and Jaswant Singh, Kulbir Singh and Lakhwinder Kaur are the accused persons. It has been further reported that none of the accused

persons have been declared proclaimed offender and Tarlok Singh son of Shingara Singh had registered the present FIR. It has further been pointed out in the report submitted by learned Area Magistrate that none of the accused have been declared as proclaimed offenders and that the Court is satisfied that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. It is further reported that the accused persons are not involved in any other case except the present case/FIR.

Learned State counsel has stated that in view of the report of the Area Magistrate, he has no objection in case the present FIR is quashed qua petitioners.

I have heard learned counsel for the parties also perused the report of the learned Area Magistrate/Judicial Magistrate 1st Class, Batala. The present FIR has been lodged under Sections 323, 324, 34 IPC, at Police Station Sekhwan, Police District Batala, District Gurdaspur by complainant Tarlok Singh, wherein all the parties have voluntarily compromised with each other in this regard. A perusal of the FIR and the pleadings of the parties would show that the present offences cannot be categorized in the category of heinous crime, therefore, in the ratio of law laid down by Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, I deem it fit and proper to quash the FIR in question qua the petitioners particularly in view of the fact that continuing of the case would not be in the interest of justice.

In view of the above, present petition succeeds and FIR No.75

dated 11.10.2018, under Sections 323, 324, 34 IPC, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur and all the subsequent proceedings arising therefrom are ordered to be quashed qua petitioners.

January 21, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No