

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

**CRM-M-29160 of 2019
Date of Decision:-04.02.2020**

Sukhdev Singh alias Billu Chaudhary and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Munish Garg, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Munish Kamboj, Advocate for
Mr. Yashveer Kharab, Advocate
for respondent No.2.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.40 dated 18.10.2015, under Sections 452, 323, 506, 427, 148 and 149 IPC, registered at Police Station Thuliwal, District Barnala on the basis of compromise (Annexure P-2).

The present FIR was lodged at the instance of respondent No.2, namely, Jaspal Singh on the allegation that his wife is the daughter of Sukhdev Singh, petitioner No.1 and there was a matrimonial dispute between respondent No.2 and his wife and consequently a quarrel took

place between the petitioners and respondent No.2 in which three simple injuries were sustained by respondent No.2.

Learned counsel for the petitioners has argued that the dispute, which is matrimonial in nature, a compromise has been effected between the parties, which is amicable and all the disputes have been resolved vide Annexure P-2, which is the compromise, effected between the complainant and present petitioners, who are accused persons in the FIR.

Vide order dated 11.7.2019 this Court after issuing notice of motion, directed that the parties may appear before the trial Court on 18.7.2019 and record the statements before the learned Magistrate regarding the compromise. Pursuant thereto learned Judicial Magistrate 1st Class, Barnala has submitted a report to this Court. As per the report, the complainant had stated that the FIR was got recorded on his statement against the accused and the matter has been compromised with the intervention of respectables of village and the compromise has been effected with his free consent and without any pressure or undue influence from any quarter and FIR may be quashed against accused Sukhdev Singh, Palwinder Singh, Satnam Singh @ Satti, Buta Singh and Balvir Singh. Similarly, the accused had also stated that the matter has been compromised with the intervention of respectable of village and the compromise has been effected with their free consent and without any pressure or undue influence from any quarter and the FIR may be quashed. The report further states that the complainant has been identified by Shri Paramjit Singh, Advocate and all the accused have been identified by Sh. J.S. Dhillon, Advocate. ASI Manjit Singh, the investigating officer in his statement has also stated that

the accused and the complainant are not facing any investigation in any other criminal case.

Neither the State nor respondent No.2 have filed replies in the present case.

Learned State counsel on instructions from ASI Amrik Singh states that it is a case where three injuries were attributed to respondent No.2, although they were simple in nature and further states that the present case does not fall within the category of serious and heinous offences.

Learned counsel for the complainant also stated in the Court that he has no objection if the present FIR is quashed qua petitioners.

I have heard learned counsel for the parties and perused the report, which has been submitted by learned Judicial Magistrate 1st Class, Barnala and also perused the records of the case.

In the present case the allegation as per FIR was that there was a matrimonial dispute between the petitioners and respondent No.2 and his wife and all the petitioners are relatives of wife of respondent No.2 and there was a quarrel between the parties in which simple injuries have been inflicted upon respondent No.2. As per report of the Magistrate as well as compromise (Annexure P-2) there has been a compromise which has been arrived at amicably without any influence and coercion. It is settled law that in case it does not fall in the category of heinous or serious offences and in case it is desirable in the facts and circumstances of the case that in order to avoid prolonging of litigation the matter can always be quashed by the competent Court so that the dispute is not prolonged forever. In the present case, since the Magistrate has already recorded his satisfaction with

regard to the amicable settlement which was done without any coercion and influence, this Court deem it appropriate to interfere in the present petition. 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.40 dated 18.10.2015, under Sections 452, 323, 506, 427, 148 and 149 IPC, registered at Police Station Thuliwal, District Barnala is hereby quashed qua the petitioners alongwith all the consequential proceedings arising therefrom.

The petition stands allowed.

February 04, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No