

CRM-M-41562-2019 (O&M)

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

**CRM-M-41562-2019 (O&M).
Decided on: February 28, 2020.**

Sukhwinder Singh and others

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.L.S.Sidhu, Advocate, for
Mr.Daljinder Singh, Advocate,
for the petitioners.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**Mr.D.S.Sandhu, 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.73 dated 28.07.2018, under Sections 451, 323,
149 IPC, registered at Police Station Sadar Moga, District Moga
(Annexure P1) and all subsequent proceedings arising therefrom on the
basis of compromise dated 21.09.2019 (Annexure P-2).

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Learned counsel for the petitioners has submitted in the present case there is a family dispute between the father and son and the injuries attributed to the petitioner are simple in nature and the present case cannot be termed as a case which falls within the category of serious and heinous offences and apart from this since it was a family dispute, the matter has been sorted out between the petitioner and the complainant – respondent No.2 and therefore, the present FIR be quashed.

On 26.09.2019, a Coordinate Bench of this Court while issuing notice of motion had directed the parties to appear before the Illaqa Magistrate/trial Court on 29.10.2019, or any other date convenient to the Court for recording their statements with regard to compromise. It was also directed that the learned Illaqa Magistrate/trial Court shall record the statements of both the parties to its satisfaction to know the genuineness of the compromise and to assess that the statements are not the result of any pressure or coercion in any manner. A further direction was also issued to send a report along with statements of the parties with regard to the validity or otherwise of the compromise effected between the parties and that whether petitioners have been declared proclaimed offenders in this case or not.

In pursuance to above order, a report has been received from the learned Additional Chief Judicial Magistrate, Moga dated 8.11.2019, wherein, it has been stated that complainant Balwinder Singh son of Kashmir Singh resident of village Daulat Pura Niwan, has suffered statement that FIR No.73, dated 28.07.2018 under Sections 451, 323, 149

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IPC was registered against accused Sukhwinder Singh, Harjit Kaur, Sohan Singh, Gurmeet Kaur, Swarnjit Singh alias Shammy, Charanjit Singh alias Sonu and unknown persons at his instance and that the compromise effected between the complainant and the accused with the intervention of respectables of the village is genuine, voluntary and without any undue influence and coercion and that no accused has been declared proclaimed offender in this case. Complainant has been identified by Shri Harbeer Singh Sidhu, Advocate.

It has been further stated in the report that accused Sukhwinder Singh has suffered statement that he is accused in the above noted case. They have compromised the matter with the complainant. The compromise between them and the complainant has been effected with the intervention of respectable of the village. The compromise is genuine. They have compromised the matter without any pressure or coercion or undue influence and with their own sweet will. Similarly statements of other accused persons namely Harjit Kaur, Sohan Singh, Gurmeet Kaur, Swarnjit Singh alias Shammy and Charanjit Singh alias Sonu have been recorded who have also been identified by their counsel Shri Kuldeep Singh, Advocate. Thereafter, statement of ASI Gurmej Singh – Investigating Officer was recorded who has stated that in this case there are six accused persons and that no accused has been declared proclaimed offender in the present case. The aforesaid Investigating Officer has also stated that there is only one complainant namely Balwinder Singh son of Kashmir Singh and there is no other injured in this case.

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No reply either on behalf of respondent No.1 – State or complainant – respondent No.2 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 Additional Chief Judicial Magistrate, it is manifest that the matter has been compromised voluntarily and without any pressure, threat or coercion, from any quarter. 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 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.73 dated 28.07.2018, under Sections 451, 323, 149 IPC, registered at Police Station Sadar Moga, District Moga (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.09.2019 (Annexure

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P-2) are quashed qua the petitioners only on the basis of compromise.

February 28, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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