

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

**CRM-M No.48285 of 2019
Date of Decision:-04.02.2020**

Hira Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) on the basis of compromise dated 21.10.2019 (Annexure P-3).

Learned counsel for the petitioners has submitted that in the present case the FIR was registered against the petitioners at the behest of respondent No.2-Paramjit Singh by alleging that a fight took place at marriage palace in the village Makhi Kalan wherein the petitioners had allegedly thrown bricks and stones upon respondent No.2, due to which

injuries were caused on the right side of the head and arm of respondent No.2. Learned counsel for the petitioners has further submitted that in the present case false and frivolous FIR was registered against the petitioners because a cross case was also registered by the petitioners against respondent No.2 vide DDR No.45 dated 27.2.2018, under Sections 452, 427, 148, 149 IPC, registered at Police Station Bhikhiwind, District Tarn Taran. He has further stated that the matter thereafter was resolved between the parties by way of an amicable settlement because it was a case of misunderstanding between the parties. He has further relied upon Annexure P-3, which was entered into between the petitioners and respondent(s) with regard to both the cases i.e. the present FIR No.29 dated 27.2.2018 and other DDR No.45 dated 27.2.2018. Learned counsel for the petitioners has further stated that in the present case, in view of compromise, which has been arrived at between the parties, he prays that the FIR may be quashed because these two cases emanating from misunderstanding between the parties and now there has been an amicable settlement between the parties. He has further submitted that the offences in both the cases i.e. FIR as well as DDR do not fall within the category of serious or heinous offence and therefore in view of law laid down by Hon'ble Supreme Court 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** no useful purpose would be served by prolonging the litigation. He has stated that in view of the facts and circumstances of the present case, the present FIR may be quashed.

Learned State counsel has stated that although the State has not filed the reply in this case but it is not in dispute that the present offence does not fall in the category of serious or heinous offence. Mr. Vivek Singla, Advocate, who is appearing for respondent No.2/complainant, on instructions has also expressed that he has no objection if the present FIR is quashed.

Vide order dated 14.11.2019 this Court had directed that the parties may appear before the learned Illaqa/Duty Magistrate on 28.11.2019 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. It was also directed that after recording their statements, the Illaqa/Duty Magistrate would send copies of the same to this Court before the next date of hearing.

In pursuance of the same, learned Judicial Magistrate 1st Class, Patti has sent his report to this Court, in which it has been stated that FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148, 149 IPC added later on) at Police Station Bhikhiwind, District Tarn Taran was registered at the instance of complainant/respondent Paramjit singh son of Bagicha Singh, resident of Village Makhi Kalan, Tehsil Patti, District Tarn Taran, Punjab against accused Hira Singh, Satnam Singh, Soni @ Sonu Singh, Kala Singh @ Manpreet Singh, Kaka Singh @ Sarwan Singh, Dharminder Singh and Gursahib Singh, all residents of village Makhi Kalan, Tehsil Patti, District Tarn Taran and that both the parties appeared before the Court and suffered statements that on account of intervention of the respectables of the village, the matter has been

compromised to the satisfaction and stated that they had no objection if the FIR in question against the accused persons is quashed. The accused persons also identified by their counsel in the Court. The report further states that on the basis of statements of both the parties the matter has been compromised without any pressure or coercion in any manner because they want to live peacefully and to bring home peace and harmony. It is further stated that the compromise made by the parties seems to be genuine and without any influence. It is further mentioned in the report that as per statement of ASI Dalbir Singh, Investigating Officer, neither accused/petitioners are appearing before the Court of undersigned nor any bail order of accused/petitioners has been received till date. It is further reported that no accused has been arrested in this case till date and no accused has been declared proclaimed offender and the challan of the present case was also not presented in the Court till date. As per the Investigating Officer no other proceedings are pending against the accused/petitioners. The identity of the parties was also checked.

I have heard learned counsel for the parties and perused the report, which has been sent by learned Judicial Magistrate 1st Class, Patti to this Court. In the present case the allegations as per the FIR are that a fight took place at the marriage palace, in which respondent No.2 allegedly received injuries by throwing of bricks and stones by the petitioners. Although Section 308 IPC was added later on but both the parties have stated that the matter has been compromised and the injured is perfectly healthy. The scuffle took place between the parties due to some

misunderstanding. 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.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), registered at Police Station Bhikhiwind, District Tarn Taran 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