

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

**CRM-M-48341 of 2019
Date of Decision:-04.02.2020**

Paramjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Vivek Salathia, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

The present petition has been filed under under Section 482 Cr.P.C. for quashing of cross case vide Rapat No.45 dated 27.2.2018, under Sections 452, 427, 148 and 149 IPC, Police Station Bhikhiwind, District Tarn Taran (Annexure P-2) registered in FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 21.10.2019 (Annexure P-3).

Learned counsel for the petitioners has *inter alia* argued that in the present case the matter has been compromised between the parties vide

Annexure P-3 and it was directed by this Court on 14.11.2019 that the parties may appear before the concerned 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. He has further submitted that in the cross case where also the parties were directed to appear before the Magistrate in FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), Police Station Bhikhiwind, District Tarn Taran. Thereafter, the statements have also been recorded by the learned Magistrate.

Learned State counsel in view of the report received from the Judicial Magistrate 1st Class, Patti, submits that the compromise has been arrived at between the parties and in view of the facts and circumstances, this case does not fall within the category of heinous or serious offence.

Mr. Vikas Gupta, learned counsel appearing for respondent No.2 states that the scuffle, which had been taken place between the parties, was due to misunderstanding and therefore, he has no objection if the present Rapat No.45 dated 27.2.2018, under Sections 452, 427, 148 and 149 IPC, Police Station Bhikhiwind, District Tarn Taran (Annexure P-2) registered in FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), Police Station Bhikhiwind, District Tarn Taran (Annexure P-1) is quashed qua petitioners.

On 14.11.2019, this Court had directed that the parties may appear before the concerned Illaqa/Duty Magistrate on 28.11.2019 and get their statements recorded. Consequently, the parties appear before the Illaqa/Duty Magistrate and the Judicial Magistrate 1st Class, Patti has sent a

report dated 05.12.2019 in this regard and stated that the settlement between the parties was without any pressure or coercion in any manner and that they have stated that they want to live peacefully and with harmony. The report further depicts that the compromise made by the parties seems to be genuine and without any influence. It has been stated that as per the statement of ASI Dalbir Singh, Investigating Officer, neither accused/petitioners appeared before the Court of undersigned nor any bail order of accused/petitioners has been received till date. It is further stated that no accused has been arrested in this case till date and no accused has been declared proclaimed offender and the challan has also not been presented in the Court till date.

I have heard learned counsel for the parties and perused the report of learned Judicial Magistrate 1st Class, Patti.

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 Rapat No.45 dated 27.2.2018, under Sections 452, 427, 148 and 149 IPC, Police Station Bhikhiwind, District Tarn Taran (Annexure P-2) registered in FIR No.29 dated 27.2.2018, under Sections 325, 323, 34 IPC (Sections 308, 148 and 149 IPC added later on), 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