

CRM-M-50837-2019 (O&M)

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

**CRM-M-50837-2019 (O&M).
Decided on: February 13, 2020.**

Ram Saroop and another

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Naresh Kumar, Advocate,
for the petitioners.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

**Ms.Palak Rana, Advocate, for
Mr.Mandeep Kumar Dhot, 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.61 dated 27.06.2019, under Sections 353 and
186 IPC, registered at Police Station Chabbewal, District Hoshiarpur
(Annexure P1) and all subsequent proceedings arising therefrom on the
basis of compromise (Annexure P2).

Learned counsel for the petitioners has submitted that

CRM-M-50837-2019 (O&M)

in allegations in the present FIR qua the petitioners are that they had pushed the complainant and had allegedly torn the uniform of the complainant who was serving as a Head Constable in the police. He has further submitted that with the intervention of respectable persons, a compromise has been arrived at between both the petitioners and complainant – respondent No.2 and therefore, relying upon compromise Annexure P2, he prays for quashing of the FIR.

On 29.11.2019, this Court after issuing notice of motion had directed the parties to appear before the trial Court/Illaq Magistrate on 18.12.2019, for getting their statements recorded and it was further directed that after recording of the statements, the learned trial Court/Illaq Magistrate, would send a report to this Court regarding the genuineness of the compromise well before the fixed before this Court.

In pursuance to above order, a report has been received from the learned Judicial Magistrate First Class, Hoshiarpur, wherein, it has been stated that complainant HC Gurchain Singh appeared and suffered a statement that on his statement the FIR in the present case was registered and now he has compromised the matter with petitioners Ram Saroop and Mukesh Gill without any pressure, threat, coercion or undue influence. He has further stated that he has no objection if the FIR in the present case is quashed against the petitioners. It is further stated in the report that petitioners Ram Saroop and Mukesh Gill have not been declared proclaimed offenders in the present FIR. Thereafter, both the petitioners have also suffered a statement before the learned Judicial

CRM-M-50837-2019 (O&M)

Magistrate First Class, Hoshiarpur with regard to the compromise having been arrived at without any pressure, threat or undue influence. The learned Magistrate has also recorded his satisfaction that after going the statements of both the parties, the compromise appears to be genuine, voluntarily and without any undue influence and coercion. Report of SHO was also called for wherein it has been stated that there are only two accused in the present FIR and none of the petitioners is a proclaimed offender.

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.

I have heard the learned counsel for the parties and have gone through the report sent by the learned Judicial Magistrate First Class, Hoshiarpur, as well as the record of the case.

It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then in the facts and circumstances of the case, the FIR can be quashed on the basis of compromise as no useful purpose would be served in case the litigation is dragged on.

Thus, following the judgment in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal)**

CRM-M-50837-2019 (O&M)

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.61 dated 27.06.2019, under Sections 353 and 186 IPC, registered at Police Station Chabbewal, District Hoshiarpur and all subsequent proceedings arising therefrom on the basis of compromise are quashed qua the petitioners only on the basis of compromise.

February 13, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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