

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

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CRM-M-9913-2020

Date of Decision : August 18, 2021

GURDEV SINGH AND ORS

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondent No.2.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.5 dated 17.1.2020, under Sections 452, 323, 341, 34 of the Indian Penal Code, 1860, registered at Police Station Ghuman Kalan, Tehsil and District Gurdaspur, Punjab based upon compromise between the petitioners (accused persons) with respondent No.2(complainant).

The present FIR came to be lodged on 17.1.2020 on the statement made by respondent No.2 Gurmej Kaur-complainant that when she was doing her household work then the accused persons, who had taken her land on mortgage for a long time and did not want to give possession to them and threatened them and when she was going alongwith her son and grandson for doing household work then the

accused persons who were armed with dang came to her house forcibly and dragged them. Thereafter beatings were given to the complainant by the petitioners.

The learned counsel for the petitioners has submitted that in fact it was a case of misunderstanding between the parties and rather there is an MLR of Gurmej Kaur(complainant) on the record but the injuries were simple in nature and there was no injury caused to any other persons. He further submitted that after about three weeks of the lodging of the FIR, the misunderstanding was removed with the intervention of the respectables of the village and a compromise was arrived at between the parties vide Annexure P-2 to the effect that the matter has been amicably settled. The learned counsel for the petitioners has further submitted that basically it was a dispute with regard to the redemption of the land and the present FIR came to be lodged as a consequence of the same and since now the matter has been settled between the parties and no useful purpose will be served in case the prosecution is further carried on.

Mr. Thind, learned DAG, Punjab has caused appearance on behalf of respondent No.1-State of Punjab and Mr. Vishal Munjal, Advocate has caused appearance on behalf of respondent No.2-complainant. Mr. Munjal, Advocate has stated that it is correct that a compromise has been arrived at between the parties vide Annexure P-2 and the nature of injuries were only simple in nature and it was not a case of a seriousness.

On 5.3.2020, notice of motion was issued by this Court and

the parties were directed to appear before the learned trial Court/Illaq Magistrate on 17.3.2020 for getting their statements recorded in the context of the compromise.

In compliance of the aforesaid order, the parties appeared before the learned learned Judicial Magistrate 1st Class, Gurdaspur and this Court has received a report from the learned Judicial Magistrate 1st Class, Gurdaspur, in which it is stated that complainant, namely, Gurmej Kaur wife of Mehnga Singh has come present in the Court and has stated that on her statement FIR No.5 dated 17.1.2020, under Sections 452, 326, 323, 341, 34 IPC was registered at Police Station Ghuman Kalan, Tehsil and District Gurdaspur against the present petitioners and the matter has been compromised between her and the accused persons with the intervention of the respectables and the compromise has been effected into with her free consent without any pressure or coercion and she has also stated that she has no objection in case the FIR registered against the accused persons is quashed. Furthermore, no other litigation is pending between her and the accused persons except the present FIR and there is no other injured except her in the present case.

I have heard learned counsels for the parties.

The learned counsel for the petitioners has pointed out that in the head note of the petition, inadvertently Section 326 IPC has been stated which was only a typographical mistake and in fact Section 326 IPC was never added. Learned State counsel as well as learned counsel for respondent No.2 have also endorsed the same and have stated that it seems to be a typographical mistake and Section 326 IPC is not an

offence which is part of the present FIR.

In the present case, the injuries attributable to the complainant were simple in nature and within a period of three weeks the matter was settled between the parties amicably with the intervention of the respectables. Therefore, this case would not come in the category of serious or heinous crime more so when immediately lodging of the FIR, the compromise has been arrived at between the parties and all the parties have voluntarily given their statements before the learned Illaqa Magistrate in pursuance of the orders passed by this Court that the matter has been settled between the parties.

Therefore, in view of the law laid down by the Hon'ble Supreme Court in "*Gian Singh Vs. State of Punjab and another*", 2012 (4) RCR (Criminal) 543, "*State of Madhya Pradesh Vs. Laxmi Narayan*", (SC) 2019(196) AIR 1 and Full Bench judgment of this Court in "*Kulwinder Singh Vs. State of Punjab*", 2007(3) RCR(Criminal) 1052, this Court is satisfied that no useful purpose will be served in case the prosecution is further carried on as the case does not fall in the category of serious or heinous crime.

In view of the above, the present petition is allowed and the FIR No.5 dated 17.1.2020, under Sections 452, 323, 341, 34 of the Indian Penal Code, 1860, registered at Police Station Ghuman Kalan, Tehsil and District Gurdaspur, Punjab is, hereby, quashed.

August 18, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No