

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

Through Video Conferencing

**CRM-M-36839-2021
Date of Decision : 29.11.2021**

Darshan Singh	Versus	 Petitioner
State of Punjab and others		 Respondents

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Tejinderbir Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Parmanand Sharma, Advocate
for respondents No.2 and 3.

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.0119 dated 25.05.2021, registered under Sections 452, 323 IPC at Police Station Lehra, District Sangrur (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise dated 13.08.2021 (Annexure P-2).

Learned counsel for the petitioner has submitted that in the present case, the dispute arose between the parties out of misunderstanding; the injuries upon respondents No.2 and 3 are simple in

nature and thereafter with the intervention of respectables a compromise has been effected between the parties vide Annexure P-2. He submitted that it is a case where there was a misunderstanding between the parties; the matter is neither a serious offence nor a heinous offence; the fight resulted only into a simple injuries and thereafter the matter has been amicably settled. He has further submitted that it will not be in the interest of justice in case further prosecution is carried on.

Notice of motion was issued by this Court on 07.09.2021 and the learned Assistant Advocate General, Punjab had appeared on behalf of respondent No.1-State and Mr. Parmanand Sharma had caused appearance on behalf of respondents No.2 and 3. The parties were directed to appear before the concerned trial Court/Duty Magistrate for recording of their statements and the trial Court/Duty Magistrate was also directed to record the statements with regard to the following three points:-

- i) regarding genuineness and voluntary nature of the compromise
- ii) Whether the accused/petitioners are appearing before the Court or are on bail; and
- iii) Whether any proceeding is pending against the accused/petitioners.

Today Mr. Randhir Singh Thind, DAG, Punjab has appeared on behalf of respondent No.1-State. However, no reply has been filed on behalf of said respondent in the present case. Mr. Parmanand Sharma, Advocate, who has appeared on behalf of respondents No.2 and 3, has stated that it is correct that the compromise has been arrived at between

the parties; that the statements of the parties have since been recorded before the Illaqa Magistrate/trial Court and that respondents No.2 and 3 have no objection in case the FIR is quashed because the case does not fall within the category of serious offence and the injuries were very simple in nature.

I have heard learned counsel for the parties.

In pursuance of the order passed by this Court on 07.09.2021, the parties were directed to appear before the trial Court/Duty Magistrate for recording their statements with regard to the genuineness of compromise and also as to whether there are earlier proceedings pending against the accused person or not

A report has been received from Judicial Magistrate Ist Class, Moonak in which it has been stated that the complainants Karnail Singh and Gurcharan Singh and also accused Darshan Singh (petitioner) appeared before that Court on 29.09.2021 and got their statements recorded and the Investigating Officer also appeared on 01.10.2021 and got his statement recorded. The learned Magistrate has also reported that the compromise appears to be genuine, entered into voluntarily and without any coercion and undue influence and as per the statements of the parties and the investigating officer, no other proceedings is pending against them.

It is a settled law that FIR and its consequential proceedings can be quashed in exercise of the power under Section 482 of the Code of Criminal Procedure but the same cannot be done in a mechanical manner.

The quashing based upon compromise has to be done with due care and

caution in the facts and circumstances of each and every case.

In the present case, the dispute was between the petitioner and respondents No.2 and 3 which resulted into simple injuries and thereafter both the parties have entered into an amicable settlement vide Annexure P-2. As per the report of learned Judicial Magistrate Ist Class, Moonak, the parties have actually entered into compromise voluntarily, without any coercion and undue influence. The present case does not fall in the category of serious or heinous offence and, therefore, in view of the facts and circumstances of the present case, it will be in the interest of justice in case the present FIR alongwith all consequential proceedings are quashed in order to prevent the abuse of process of law.

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 FIR No.0119 dated 25.05.2021, registered under Sections 452, 323 IPC at Police Station Lehra, District Sangrur (Annexure P-1) and all consequential subsequent proceedings arising therefrom are quashed on the basis of compromise qua petitioner.

29.11.2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No