

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31598-2020

Date of Decision: 21.01.2021

Surjet Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Deepak Goyal, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab.

Mr. Vipul Goel, 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 FIR No.314 dated 19.09.2020 (Annexure P-1), under Sections 354, 451, 323 and 34 of the Indian Penal Code , registered at Police Station Sadar Dhuri, District Sangrur along with all the subsequent proceedings arising therein on the basis of compromise (Annexure P-2).

The present FIR was lodged on the basis of a statement made by respondent No. 2-Inderjeet Kaur by stating that her husband-Nirmal Singh has two killas of land and the dispute of her husband regarding water course and unconstructed way was going on with Surjit Singh and Balvir Singh sons of Karnail Singh Jatt and on 18.09.2020 in the afternoon, when she was alone at her home and her husband was serving in the school then the

petitioners entered the house empty handed and started giving beatings to her with slaps and fist blows and tore her clothes and did vulgar acts with her.

When the matter was at the investigation stage, both the parties had arrived at a compromise after about 10 days. The FIR was dated 19.09.2020 and the compromise/affidavit (Annexure P-2) is dated 28.09.2020 wherein the complainant/respondent No.2 categorically stated in para 1 of the compromise/affidavit (Annexure P-2) that it was a dispute which had taken place between the petitioners regarding water course, unconstructed way and land. It is further stated in the compromise/affidavit that with the intervention of respectable persons, the matter has been got compromised between the parties and that there would be no dispute between the parties from today onwards and also gave a statement for cancellation of FIR without any pressure.

The learned counsel for the petitioner has submitted that in the present case, a false FIR was registered because of pre-existing dispute of land and water course with the husband of the complainant and the matter has since been compromised and therefore, no useful purpose will be served in case the criminal proceedings are being continued against the petitioners.

Notice of motion was issued in the present case on 08.10.2020 in which the learned State counsel as well as the learned counsel for complainant/respondent No.2 accepted notice. Thereafter, the parties were directed to appear before the learned Ilqa Magistrate/Duty Magistrate for recording of their statements in support of the compromise.

A report has been received from the learned Civil Judge (Junior

Division)-cum-Judicial Magistrate Ist Class, Dhuri, dated 24.12.2020. In the report, it has been mentioned that the complainant had deposed before the learned Magistrate that she has entered into a compromise with the accused persons and that she does not wish to pursue with any kind of litigation in respect of the present FIR against the accused persons. Similarly, statements have also been made by the accused persons. It is further stated in the report that that the compromise is genuine, voluntary and without any coercion or undue influence. The accused and the complainant recorded their statements in the presence of their counsel duly identified by their respective learned counsels and also self attested identification too of the accused as well as the complainant was taken on record. Furthermore, it is stated in the report that the learned JMIC is of the opinion that the compromise has been reached between the parties voluntarily and without any pressure.

The learned State counsel has submitted that it was a case where direct allegations have been attributable but so far as the compromise is concerned, the learned State counsel has not disputed the same.

Mr. Vipul Goel, Advocate, who has caused appearance on behalf of respondent No. 2, has also not disputed the compromise and has stated that he has no objection in case the aforesaid FIR is quashed.

I have heard the learned counsel for the parties.

The allegations which have been contained in the FIR were that the complainant was allegedly attacked by the petitioners and there is also an allegation of giving slaps and fist blows and tearing of clothes. However, as per the compromise/affidavit (Annexure P-2), she has now stated that a compromise has been got effected between the parties with the help of the

respectable persons and that she does not wish to continue with the criminal proceedings. The statements of the respective parties have already been recorded by the learned Judicial Magistrate Ist Class, in pursuance of the directions issued by this Court and the learned Judicial Magistrate Ist Class has stated that the compromise has been effected voluntarily and without any force or undue influence.

The law with regard to the quashing of the FIR based on the basis of compromise is well settled. The FIR should normally be not quashed in the mechanical manner and the discretion for quashing of the FIR should be exercised only when the Court is satisfied that continuation of the criminal proceedings or the investigation in the FIR would not be in the interest of justice. Furthermore, the FIR or any other consequential proceedings should not be quashed when the offence is of such a serious nature that it is not only serious but also it is heinous in nature. The facts and circumstances of the present case would not fall in the category of serious and heinous nature and this Court is satisfied that in case the proceedings are carried on then it would not be in the interest of justice specifically in view of the affidavit which has been given by respondent No.2 vide Annexure P-2.

Therefore, considering the totality of the facts and circumstance of the present case and keeping in view the law laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and also the law laid down by Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543**, the present petition is allowed and the FIR

No.314 dated 19.09.2020 (Annexure P-1), under Sections 354, 451, 323 and 34 of the Indian Penal Code, registered at Police Station Sadar Dhuri, District Sangrur along with all the subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2) are quashed, qua the petitioners.

21.01.2021
adhikari

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No