

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

Through Video Conferencing

**CRM-M-43710-2020
Date of Decision : 29.11.2021**

Lovejeet Singh alias Love and others Petitioners

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. G.S.Nagra, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Harjit Singh Ghazoo, Advocate
for respondent No.2.

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.0100 dated 01.07.2020, registered under Sections 452, 427, 160, 506, 323, 148, 149 IPC at Police Station Cantonment, Amritsar and subsequent proceedings initiated thereafter on the basis of compromise dated 31.08.2020 (Annexure P-2).

The learned counsel for the petitioners has submitted that in the present case, a fight took place between the neighbours due to misunderstanding which caused simple injuries upon the complainant and

her husband and thereafter the present FIR was lodged against seven petitioners, who are the accused. He has further submitted that since it was a result of misunderstanding between the parties, the respectables of the area had intervened and a compromise was reached between the parties vide Annexure P-2 and the dispute between the neighbours has since been settled. It has also been submitted that it was not a case of any serious injury to anybody and was only a result of a fight between the neighbours. He further submitted that the present case does not fall in the category of serious and heinous offence and since the matter has been amicably settled between the parties, the alleged FIR may be quashed on the basis of compromise so that the parties do not face further prosecution as it would serve no purpose. He has further submitted that on 23.12.2020, notice of motion was issued by this Court for recording of the statements of all the affected parties. He has submitted that although the husband of the complainant, who had also received simple injury is not a party in the present petition but his statement has since been recorded by the Illaqa Magistrate/trial court/Duty Magistrate with regard to the aforesaid compromise. He has also submitted that there are seven accused who are the petitioners, and respondent No.2/complainant Roop Kaur is being represented by Mr. Harjit Singh Ghazoo, Advocate, who has filed his power of attorney on her behalf. He has further submitted that the notice was issued in December, 2020 but the State has not chosen to file any affidavit/reply in the present case in view of the settlement arrived at between the parties.

Mr. Harjit Singh Ghazoo, Advocate appearing on behalf of

respondent No.2 has submitted that it is correct that there was a fight among the neighbours which caused simple injuries and the matter has been amicably settled with the intervention of the respectables and he has no objection in case the FIR is quashed since no useful purpose would be served in case further prosecution is carried on. He has further submitted that both respondent No.2/complainant and her husband have recorded their statements before the Illaqa Magistrate/trial Court in pursuance of the directions issued by this Court apart from the statements recorded by all the petitioners, who are the accused in the alleged FIR.

Mr. Randhir Singh Thind, DAG, Punjab. has submitted that since the matter pertains to simple injury and an amicable settlement has been arrived at between the parties, therefore, no reply has been filed by respondent No.1-State.

I have heard the learned counsel for the parties.

On 23.12.2020, this Court issued notice of motion and directed the parties to appear before the Illaqa Magistrate/trial Court/Duty Magistrate for getting their statements recorded for the execution and veracity of the alleged compromise and further directed that the Illaqa Magistrate/trial Court/Duty Magistrate post recording the statements of all the affected parties, shall submit the report on or before the adjourned date alongwith the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

4. *Whether the accused persons are involved in any other FIR or not.*
5. *The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

It was also observed that reply, if any on behalf of respondent No.1-State, be filed in the meanwhile. However, the State has chosen not to file any reply in the present case.

The report has been received from the Judicial Magistrate Ist Class, Amritsar. As per the said report, complainant Roop Kaur and Mohan Singh as well as accused-petitioners Lovejeet Singh @ Love, Bhagwant Singh @ Rinku, Amandeep Singh @ Amni, Vikramjit Singh @ Rinku, Harpreet Singh @ Raja and Sardul Singh @ Pannu appeared in the Court on 08.01.2021 and accused Sagar son of Jagir Singh also appeared in Court on 11.01.2021 for recording of their statements. As per the statements suffered by the parties i.e. the complainant and the accused, they have compromised the matter voluntarily without any coercion or undue influence and the compromise was effected between the parties as per their will and consent. The parties have also stated that they shall abide by the compromise arrived at between them. The statement of the investigating officer in the present case was also recorded in which he has stated that the FIR was registered on the basis of statement of Roop Kaur against the aforesaid seven accused and there were total seven accused named in the FIR and none of the accused is proclaimed offender nor involved in any other FIR. The FIR in question was registered on the basis of complaint made by complainant Roop Kaur

wife of Mohan Singh and both Roop Kaur and Mohan Singh were the victims as mentioned in the FIR. The learned Judicial Magistrate Ist Class, Amritsar has further recorded in the report that in the light of statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and consent. .

The law with regard to quashing of FIR on the basis of compromise is well settled. The Court should not exercise the power under Section 482 Cr.P.C. in a mechanical manner but it is only in the facts and circumstances of the case that the powers for quashing of the FIR should be extended. In the present case, a fight took place between the neighbours and as per the learned counsel for the parties the nature of the injuries were simple in nature and it was with the intervention of the respectables, the matter had been settled between the parties. None of the parties is involved in any other case or is a proclaimed offender as per the report of learned Judicial Magistrate Ist Class, Amritsar. On the basis of facts and circumstances and circumstances of the present case, it can be seen that the present case does not fall in the category of serious and heinous crime. Therefore, this Court is of the view that no useful purpose would be served in case further prosecution is carried on between the parties in view of the amicable settlement arrived at between the parties which appears to be a private dispute between the neighbours.

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.0100 dated 01.07.2020, registered under Sections 452, 427, 160, 506, 323, 148, 149 IPC at Police Station Cantonment, Amritsar (Annexure P1) and all subsequent proceedings arising therefrom are quashed on the basis of compromise qua petitioners.

29.11.2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No