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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2843-2021(O&M)
Date of Decision: 27.09.2022

Karamjit Singh and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amarbir S. Shergill, Advocate for
Mr. Navjot Singh, Advocate, for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Kashav Chadha, 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. 60 dated 25.06.2018, under Sections 306, 116, 506 of the Indian Penal Code, 1860, registered at Police Station Sadar Rampura, District Bathinda, Punjab alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that there are 16 petitioners who are the accused in the present case and the complainant namely Jasvir has also been impleaded as respondent No.2 in the present case. He submitted that as per the allegations there was a dispute

with regard to land belonging to the complainant wherein some Hadda Rodi was to be placed and the FIR was got lodged under Section 306 IPC since allegedly the complainant had taken some poison after the fight took place but it is a case where nobody had died. He submitted that therefore the provision of 306 IPC itself was not made out. He further submitted that apart from the same the matter has since been compromised between the parties amicably with the intervention of the respectables of the village since it was a dispute between the villagers inter se and the offence does not fall in the category of serious or heinous offence and has prayed for the quashing of the FIR and all the consequential proceedings based upon compromise.

Mr. Shiva Khurmi, learned Assistant Advocate General, Punjab has submitted that the matter has been compromised between the parties since they have got recorded statements before the learned Magistrate in pursuance of the orders passed by this Court and has also submitted that it is correct that nobody had died in the present case.

Mr. Kashav Chadha, Advocate appearing on behalf of respondent No.2 has submitted that it is correct that an amicable settlement has been arrived at between the parties and he has no objection in case the FIR is quashed based upon compromise.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 22.01.2021, the learned Sub Divisional Judicial Magistrate, Phul has sent a report in which he has stated that there are 16 accused in the present FIR and none of them has been declared as proclaimed offender and from the statements of the complainant and the accused persons, it appears that the compromise between the parties has been effected voluntarily, without any pressure,

threat or coercion and the compromise is genuine and valid. It has been further stated in the report that as per the statement of SHO Bhupinderjeet Singh no other criminal case is pending, except the present one against the accused persons.

I have heard the learned counsel for the parties.

In the present case, the allegations were pertaining to taking of poison by respondent No.2 but he has not died and has survived and has also got his statement recorded before the learned Sub Divisional Judicial Magistrate, Phul on 05.04.2021 by stating that a compromise has been effected between the parties which is voluntary and without any external pressure or coercion and he has no objection in case the aforesaid FIR is quashed based upon compromise.

The law with regard to quashing of FIR based upon compromise is no longer *res integra*. 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 and others**, 2019 (5) SCC 686”, and Full Bench judgment of this Court in “**Kulwinder Singh Vs. State of Punjab**”, 2007(3) RCR(Criminal) 1052 observed that in case where the Court finds that the subject matter of the case is not serious or heinous and the parties have arrived at an amicable settlement voluntarily or without any force or coercion, then considering the facts and circumstances of each and every case, the FIR can be quashed based upon compromise.

In the present case, this Court is satisfied that the subject matter of the present case does not fall in the category of serious and heinous offence and therefore, it will be in the interest of justice and to secure the ends of justice that the present FIR is quashed based upon compromise.

Consequently, the present petition is allowed and the FIR No. 60 dated 25.06.2018, under Sections 306, 116, 506 of the Indian Penal Code, 1860, registered at Police Station Sadar Rampura, District Bathinda, Punjab alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

27.09.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No