

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

264

CRM-M-8316-2021(O&M)
Date of Decision : May 24, 2022

MANJIT SINGH AND ORS

.....Petitioners

VERSUS

STATE OF PUNJAB AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. B.S.Jaswal, Advocate
for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Nitin Sharma, Advocate for
Mr. Rahul Sharma, Advocate
for respondents No.2 and 3.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.02 dated 2.1.2021, under Sections 452/324/34 IPC registered at Police Station Beas, District Amritsar and offence under Section 326 IPC added later on based upon compromise (Annexure P-2) and all subsequent proceedings arising out of the said FIR.

It has been submitted by the learned counsel for the petitioners that in the present case a fight had taken place between the two parties i.e. neighbours who have common boundary walls and it was a result of misunderstanding between the parties that the present FIR was lodged and thereafter with the intervention of the respectables the matter was amicably settled between the parties. He submitted that the present case does not fall in the category of serious or heinous crime and all the

accused persons in the present FIR are arrayed as petitioners in the present case. Similarly, the complainant as well as the other affected person, namely, Sukhjinder Kaur has also arrayed as respondent in the present case. He further submitted that in pursuance of the order passed by this Court on 15.3.2021, the parties have got their statements recorded before the learned trial Court with regard to the aforesaid amicable settlement between the parties and has, therefore, prayed that the FIR may be quashed based upon compromise and no useful purpose will be served in case further proceedings are carried on.

The learned State counsel submitted that an affidavit has been filed by the State and it has been so stated in the affidavit that apart from the present FIR there is no other case registered against the present petitioners and in the present case the challan has not been presented as yet.

The learned counsel for the respondents No.2 and 3 has submitted that it is correct that an amicable settlement has been arrived at between the parties and the FIR was lodged based upon some misunderstanding and, therefore, he has no objection in case the FIR is quashed based upon compromise.

I have heard the learned counsels for the parties.

This Court on 15.3.2021 directed the parties to appear before the learned trial Court/Ilqa Magistrate for recording of their statements with regard to the authenticity of the compromise and as to whether there was any kind of undue influence or pressure on the parties or not.

A report has been received from learned Sub Divisional

Judicial Magistrate, Baba Bakala Sahib dated 20.4.2022 in which it has been stated that all the three petitioners, namely, Manjit Singh, Karanjot Singh and Rajwinder Kaur @ Raju have got their statements recorded before the Court. Similarly, complainant, namely, Avtar Singh as well as the other affected person, namely, Sukhjinder Kaur have also got their statements recorded to the effect that the matter has been compromised with the intervention of the respectables and the aforesaid two respondents, namely, Avtar Singh and Sukhjinder Kaur have stated that they have no objection if the FIR is quashed by the High Court and that the statement has been given with free will and without any pressure. The statement of ASI Balkar Singh was also recorded wherein he stated that there is only one victim/aggrieved person and he is the complainant Avtar Singh and apart from the aforesaid three accused persons, there is no other accused in the present case and no proclamation proceedings are pending in this case against any accused and none of them have been declared as a proclaimed offender.

Learned Sub Divisional Judicial Magistrate in his report has stated that after considering the statements of the parties he is of the opinion that the said compromise has been entered into between the petitioners and the complainant voluntarily out of their free will and without any pressure or coercion and the same appears to be genuine one.

The law with regard to the quashing of FIR based upon compromise is well settled. The Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Laxmi Narayan and Others 2019 (2) SCC (Crl.) 706***, observed as under:-

“13. (iv) offences under section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;“

In the present case the dispute was between two neighbours and thereafter amicable compromise has been arrived at between the parties with the intervention of the respectables of the village. A perusal

of the report of learned SDJM would also show that the said compromise was without any undue influence or threat or coercion and was voluntarily settled between the parties. The present case does not fall in the category of serious and heinous crime. The petitioners have not been declared as a proclaimed offenders nor any proceedings have been initiated against them. Therefore, considering the law laid down by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and another 2013 (1) SCC (Crl.) 160** and **State of Madhya Pradesh Vs. Laxmi Narayan and Others 2019 (2) SCC (Crl.) 706** and Larger Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052**, this Court deems it fit and proper to quash the FIR based upon compromise.

Consequently, the present petition is allowed. FIR No.02 dated 2.1.2021, under Sections 452/324/34 IPC registered at Police Station Beas, District Amritsar and offence under Section 326 IPC added later on based upon compromise and all subsequent proceedings arising out of the said FIR are quashed qua the petitioners.

(JASGURPREET SINGH PURI)
JUDGE

May 24, 2022

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