

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

117

CRM-M-8369-2020(O&M)

Date of Decision : **February 28, 2022**

KULDEEP SINGH AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. M.S.Bhatti, Advocate for the petitioners.

Mr. C.L.Pawar, Sr. DAG, Punjab.

Mr. Kulwinder Singh, Advocate for
Mr. S.S.Sarwara, Advocate for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.118 dated 18.8.2016, under Sections 341, 323, 506, 148 and 149 IPC registered at Police Station Lalru, District SAS Nagar, Mohali based upon compromise (Annexure P-2) and all other subsequent proceedings arising therefrom.

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 and the same was a result of misunderstanding between the parties and both the parties had suffered simple injuries and thereafter the matter has been compromised amicably with the intervention of the respectables of the village vide Annexure P-2. He submitted that the present FIR was lodged in the year 2016 and the compromise has been

effected in February 2020 and till date the challan has not been presented by the police and the matter is still at the investigation stage. He further submitted that the facts and circumstances of the case suggest that the present case does not fall in the category of serious and heinous crime and now the settlement has been effected between the parties and any further prosecution of the petitioners would result in an abuse of the process of law because there are very bleak and remote chances of their conviction in view of the compromise. He also submitted that the petitioners, who are five in number, are the only accused in the FIR and respondent No.2 is the complainant, who is the aggrieved person and who has compromised the matter with the petitioners. He has further submitted that the petitioners are not declared as a proclaimed persons or proclaimed offenders and, therefore, has prayed for quashing of the FIR based upon compromise.

The learned State counsel has submitted that although the reply has not been filed in the present case but the challan in the present case has not been presented as of date. He has also submitted that the injuries in the present case are simple in nature.

Mr. Kulwinder Singh, Advocate appearing on behalf of Mr.S.S.Sarwara, Advocate for the complainant has submitted that it is correct that compromise has been arrived at between the parties and the said compromise was arrived by way of an amicable settlement and it is without any threat or any coercion or undue influence. He has further submitted that he has no objection in case the present FIR is quashed on the basis of compromise.

I have heard the learned counsels for the parties.

This Court on 5.1.2022 directed the parties to appear before the learned trial Court/Area Magistrate for recording of the statements. A report has been received from the Judicial Magistrate 1st Class, Dera Bassi in which it has been stated that the statements of complainant-Bikram Singh and that of the present petitioners, who are the accused persons, have been recorded and as per the statement of the IO there are five accused persons in the present case and there is one cross DDR also lodged by one of the accused, namely, Kuldeep Singh and none of accused in the present case has been declared as a proclaimed persons or offenders by the Court in this case and the matter is still at the investigation stage. It has been further submitted in the report by the Judicial Magistrate 1st Class, Dera Bassi that the matter has been compromised between the complainant/victim and the accused persons, voluntarily and out of their free will and consent and without any pressure or undue influence.

The facts and circumstances of the present case suggest that due to a fight between the two parties, the present FIR has been lodged and the nature of the injuries caused were only simple. The present FIR was lodged in the year 2016 and till date the police has not presented any challan in the competent Court. As per the report sent by the Judicial Magistrate 1st Class, Dera Bassi, the compromise vide Annexure P-2 arrived at between the parties is genuine and voluntarily and was also without any pressure or undue influence, coercion or threat. The nature of the present case suggests that the present case does not fall in the

category of serious and heinous crime and, therefore, this Court is satisfied that in order to meet the ends of justice, the present FIR can be quashed on the basis of compromise.

Therefore, considering the law laid down by the Hon'ble Supreme Court 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 another 2013 (1) SCC (Crl.) 160**, the present petition is allowed. FIR No.118 dated 18.8.2016, under Sections 341, 323, 506, 148 and 149 IPC registered at Police Station Lalru, District SAS Nagar, Mohali and all other subsequent proceedings arising therefrom are quashed qua the petitioners.

(JASGURPREET SINGH PURI)
JUDGE

February 28, 2022

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