

CRM-M-30450-2021 (O&M)

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

Decided on: February 23, 2022.

(1) CRM-M-30450-2021 (O&M).

Bhagatvir Singh and others

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

(2) CRM-M-31274-2021 (O&M).

Sukhwinder Singh and others

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

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CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rakesh Gupta, Advocate, for
 Mr.Chander Shekhar Sharma, Advocate,
 for the petitioners and
 Mr.Arjun Atri, Advocate, for
 Mr.Naveen Sharma, Advocate,
 for complainant – respondent No.2.
 in CRM-M-30450-2021.**

**Mr.Arjun Atri, Advocate, for
Mr.Naveen Sharma, Advocate,
for the petitioners and
Mr.Rakesh Gupta, Advocate, for
Mr.Chander Shekhar Sharma, Advocate,
for complainant – respondent No.2.
in CRM-M-31274-2021.**

**Mr.Randhir Singh Thind, DAG, Punjab,
for respondent No.1/State in both the petitions.**

JASGURPREET SINGH PURI, J. (ORAL)

This order will dispose of the above noted two petitions filed under Section 482 Cr.P.C. i.e. CRM-M-30450-2021, seeking quashing of the FIR No.260 dated 25.9.2020, registered under Sections 323, 324, 452 and 34 IPC registered at Police Station Kotwali Kapurthala, District Kapurthala and CRM-M-31274-2021, seeking quashing of cross case registered vide DDR No.11 dated 11.10.2020, under Sections 323, 295 and 34 IPC, in aforesaid FIR, at Police Station Kotwali Kapurthala, District Kapurthala.

Facts are taken up from CRM-M-30450-2021 wherein prayer for quashing of FIR has been made.

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Learned counsel appearing on behalf of the petitioners in CRM-M-30450-2021, has submitted that in the present case a sudden fight took place between two set of parties due to some misunderstanding which resulted in some injuries to both the parties. He submitted that all the parties who are involved in the fight are respectable persons and are not involved in any other case. He submitted that during the course of investigation by the police, the parties have entered into an amicable settlement vide Annexure P-2 with the intervention of the respectables of the village and none of the parties have criminal antecedents. He submitted that in pursuance of the order passed by this Court, the State has filed affidavit along with MLR of the injured and as per the MLR, injuries sustained were simple in nature and so far as fractures are concerned, the injured were not subjected to X-ray examination and therefore, there is no opinion of the doctor in this regard. He further submitted that present FIR was registered in the year 2020 and the police has not presented challan till date. He submitted that since the matter has been compromised between the parties and they have resolved to live peacefully, no useful purpose would be served in case further prosecution is carried on.

This Court vide order dated 22.12.2021, had directed the parties to appear before the learned Illaqua Magistrate/trial Court for recording of their statements and consequently they have appeared before the learned Illaqua Magistrate/Trial Court and have got their statements recorded.

Learned counsel appearing on behalf of the petitioners

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in CRM-M-31274-2021 has submitted that since a compromise has been arrived at between the parties with the intervention of the respectables and the case does not fall within the category of serious and heinous offence as the fight had taken place only because of some misunderstanding between the parties which resulted in simple injuries only. He submitted vide order dated 22.12.2021, the parties were directed to appear before the learned Illaqua Magistrate/trial Court for recording of their statements and consequently they have appeared before the learned Illaqua Magistrate/Trial Court and have got their statements recorded. He submitted that since the matter has been amicably resolved no useful purpose would be served in case further prosecution is carried on.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab, has submitted that a short affidavit has been filed by the State by attaching the MLR which shows that injuries sustained by both the sides were simple in nature and although the matter is still at the investigation stage and the FIR was registered on 25.9.2020, but the matter has since been settled between the parties.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 22.12.2021, all the parties from both sides have appeared before the learned Illaqua Magistrate/trial Court. A report has been received from the learned District and Sessions Judge, Kapurthala in both the cases and a perusal of the same shows that it has been reported by the learned Judicial Magistrate First Class, Kapurthala, that matter has been amicably

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compromised between both the sides voluntarily i.e. in CRM-M-30450-2021, between the petitioners and complainant/respondent No.2 - Sukhwinder Singh who is petitioner No.1 in CRM-M-31274-2021 and in CRM-M-31274-2021 between the petitioners and complainant/respondent No.2 - Bhagatvir Singh who is petitioner No.1 in CRM-M-30450-2021 and the compromise arrived at between all the parties is voluntary and without any threat, coercion or undue influence and both the sides have stated that they have no objection in case the FIR as well as the cross-case are quashed. It has been further reported that in both the cases none of the accused has been declared as proclaimed offender till date. The facts and circumstances of the both the cases suggest that a fight had taken place between two sets of persons which resulted in simple injuries. None of the accused persons in both the cases have any bad antecedents and neither are they involved in any other case nor any of them has been declared as proclaimed person till date in any other case as per the report of the learned learned Judicial Magistrate First Class, Kapurthala. The matter has been settled amicably between all the parties from both sides with the intervention of the respectables of the village and as per the report of learned Judicial Magistrate First Class, Kapurthala, the settlement/compromise are without any threat, coercion or undue influence from any quarter and it is voluntary in nature. As per the facts and circumstances, both the cases do not fall in the category of serious and heinous offences.

Therefore, following the judgments 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*, both the petitions are allowed and FIR No.260 dated 25.9.2020, registered under Sections 323, 324, 452 and 34 IPC registered at Police Station Kotwali Kapurthala, District Kapurthala and cross case registered vide DDR No.11 dated 11.10.2020, under Sections 323, 295 and 34 IPC, in aforesaid FIR, at Police Station Kotwali Kapurthala, District Kapurthala and all the subsequent proceedings arising therefrom are hereby quashed based upon compromise qua the petitioners in both the cases only.

February 23, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No