

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

1

CRM-M-31551-2021

Date of Decision : **March 03, 2022**

HARPAL SINGH AND ORS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

2

CRM-M-31494-2021

BALWINDER SINGH AND ORS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioners in CRM-M-31551-2021
and for respondent Nos.2 and 3 in CRM-M-31494-2021.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Ashish Jhamb, Advocate for
Mr. Vikas Sonak, Advocate
for the petitioners in CRM-M-31494-2021
and for respondent Nos.2 to 4 in CRM-M-31551-2021.

JASGURPREET SINGH PURI. J. (Oral)

The present order would dispose of aforesaid two petitions.

CRM-M-31551-2021 has been filed under Section 482
Cr.P.C. for seeking quashing of FIR No.140 dated 8.10.2018, under
Sections 324/323/34 IPC, registered at Police Station Jaitu, District
Faridkot and subsequent proceedings arising thereof on the basis of

compromise and CRM-M-31494-2021 has been filed under Section 482 Cr.P.C. for seeking quashing of DDR No.48 dated 8.10.2018, under Sections 341/323/148/149 IPC, registered at Police Station Jaitu, District Faridkot and subsequent proceedings arising thereof on the basis of compromise which was registered as a cross case to the aforesaid FIR.

It has been submitted by the learned counsel for the petitioners in CRM-M-31551-2021 that a fight took place between the two parties which resulted into simple injuries and thereafter the matter was amicably settled between the parties with the intervention of respectables of the village because the fight took place without any motive but because of some misunderstanding between the parties. Both the parties have filed the present petitions for quashing of FIR and DDR based upon compromise. In CRM-M-31551-2021, the affidavits have been attached as Annexures P-4 to P-6. He further submitted that the matter is still at the investigation stage and since the matter has been settled amicably between the parties and the subject matter of the present case does not fall in the category of serious and heinous crime, the ends of justice would be served in case the FIR and DDR are quashed.

The learned State counsel has filed reply by way of affidavit of DSP, Sub Division, Jaitu, District Faridkot in CRM-M-31494-2021 in which it has been stated that from the verification of the antecedents of the petitioners, no other FIR has been registered against them. The said affidavit is taken on record.

Mr. Ashish Jhamb, Advocate for Mr. Vikas Sonak, Advocate appears on behalf of respondent Nos.2 to 4 in CRM-M-31551-2021, who

are the petitioners in CRM-M-31494-2021, has submitted that it is correct that a fight had taken place due to some misunderstanding and it was without any motive and with the intervention of the respectables, the matter has since been settled and, therefore, he has no objection in case the FIR as well as the DDR are quashed by this Court.

I have heard the learned counsels for the parties.

This Court on 21.12.2021 had directed the parties to appear before the learned trial Court/Illaqa Magistrate for getting their statements recorded with regard to the genuineness and voluntariness of the compromise which has been effected between the parties.

Report from Sub Divisional Judicial Magistrate, Jaitu dated 25.1.2022 has been received by this Court. As per the report, the complainant/injured as well as the petitioners/accused had appeared and got their statements recorded and they were duly identified by their counsels. It has been reported by the learned SDJM, Jaitu that it appears that the compromise is genuine, voluntary without any threat, undue influence or coercion and it is also recorded that the present case was registered against five accused, namely, Balwinder Singh, Sukhchain Singh, Sukhvir Singh, Basant Singh and Narinder Singh, who are the petitioners. It has also come on record that there was one injured, namely, Sarabjit Kaur in the cross version and her statement has been recorded in which she has stated that with the intervention of the respectables, a compromise has been effected between the parties which is bonafide, voluntary, without any pressure and undue influence. In the report, learned SDJM, Jaitu has also stated that it has come on record that

none of the accused has been declared as a proclaimed offender in the present case.

In the present case, the statements of the parties have been recorded and the learned SDJM, Jaitu has sent a report that the compromise was genuine, voluntary, without any threat, undue influence or coercion. The matter is still at the investigation stage. The law with regard to quashing of FIR based upon compromise is well settled in case while exercising the powers under Section 482 Cr.P.C. the High Court is satisfied and thinks it fit and proper to quash the FIRs/DDRs at the initial stage on the basis of compromise and further continuation of the prosecution would be an abuse of the process of law then depending upon the facts and circumstances of the case, the same can be done in accordance with law. In the present case, the subject matter and the injuries suffered by the parties do not fall in the category of serious and heinous offence. All the parties have stated that they have settled the matter amicably and there is no serious injury to anybody. Therefore, in the facts and circumstances of the present case, this Court is satisfied that to secure the ends of justice, it is a fit case to quash the FIR and DDR and all other subsequent proceedings.

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**, the present

petitions are allowed. FIR No.140 dated 8.10.2018, under Sections 324/323/34 IPC, registered at Police Station Jaitu, District Faridkot and DDR No.48 dated 8.10.2018, under Sections 341/323/148/149 IPC, registered at Police Station Jaitu, District Faridkot and subsequent proceedings arising thereof are quashed qua the petitioners.

March 03, 2022

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(JASGURPREET SINGH PURI)
JUDGE

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