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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32314-2021
Date of Decision: 07.09.2022

Gian Singh and others

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Harveen Kaur, Advocate, for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Amitoj Singh, 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.23 dated 04.03.2021, under Sections 338 and 380 of the Indian Penal Code, 1860, registered at Police Station Amloh, District Fatehgarh Sahib 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 three petitioners in the present case and petitioner No.1 namely Gian Singh has already died. She has further submitted that it is a case where due to a sudden fight between the parties the rotavator came into motion and simple injuries were caused and the present case does not fall in the category of any serious and heinous offence and thereafter, the matter has

been amicably settled between the parties vide Annexure P-2 with the intervention of the respectables. She further submitted that the petitioners are neither habitual offenders nor they are declared as proclaimed offenders in the present case and therefore, no useful purpose will be served in case further proceedings are carried on. She further submitted that in pursuance of the orders passed by this Court on 13.12.2021 the parties have already got their statements recorded before the learned Judicial Magistrate Ist Class, Amloh that the compromise is genuine, voluntary and without any coercion or undue influence 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 it is correct that it is a case of simple injuries and the matter has been compromised between the parties as per the statements recorded by them before the learned Judicial Magistrate Ist Class, Amloh.

Mr. Amitoj Singh, learned counsel 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 13.12.2021, the learned Judicial Magistrate Ist Class, Amloh has sent a report in which he has stated that the parties have appeared before him and got their statements recorded. Petitioner No.1 namely Gian Singh has already died and the statement of remaining two petitioners namely, Sohan Singh and Sandeep Singh have already been recorded, apart from the statement of the complainant/respondent Dalbir Singh and ASI Baljit Singh have also been

recorded. It has been further stated in the report that in view of the statements, the compromise is genuine, voluntary and without any coercion or undue influence and neither of the accused have been declared as proclaimed offenders in the present case as per the statement of complainant Dalbir Singh and I.O. ASI Baljit Singh and from the statements, it seems that the compromise is valid, voluntary and genuine and the same has been arrived at between the parties out of their free will.

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***”, (SC) 2019(196) AIR 1 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.

A perusal of the present FIR and the subject matter of the present case would suggest that the subject matter does not fall in the category of serious and heinous offence. Furthermore, the learned Magistrate has also reported that as per the statements of the parties, the compromise is genuine, voluntary and without any coercion or undue influence. Therefore, this Court is of the view that since the subject matter of the present case does not fall in the category of serious and heinous offence and the matter has been amicably settled between the parties, it is a fit case for quashing of the FIR based upon compromise.

Consequently, the present petition is allowed and the FIR No.23 dated 04.03.2021, under Sections 338 and 380 of the Indian Penal Code, 1860, registered at Police Station Amloh, District Fatehgarh Sahib alongwith all other consequential proceedings is hereby quashed qua petitioners No.2 and 3 only based upon compromise.

07.09.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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