

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

287)

CRM-M-29930 of 2022

Date of Decision: 10.10.2022

Gurpratap Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Ms. Sushma Chopra, Advocate,  
for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab

Ms. Simi Kundra, 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.16 dated 01.02.2019, under Sections 325/323/506/34 IPC, registered at Police Station Sadar Jagraon, District Ludhiana Rural alongwith all other consequential proceedings arising therefrom, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that it is a case where a sudden fight took place between the neighbours in which simple injuries were caused and thereafter the matter has now been settled amicably between the parties vide Annexure P-2 since the dispute was due to some misunderstanding between the parties. She further submitted that it is not a case which falls under the category of any serious

or heinous crime and since the matter has been compromised between the parties, no useful purpose would be served in case the further prosecution is carried on. She has also submitted that both the petitioners are not habitual offenders and they are not involved in any other case.

Mr. Shiva Khurmi, learned AAG, Punjab appearing on behalf of the State has submitted that the challan qua petitioner No.1 has been presented but qua petitioner No.2 it has not been presented and has submitted that it is correct that it is a case of simple injury.

Ms. Simi Kundra, Advocate appearing on behalf of respondent No.2 has also stated that respondent No.2 is the complainant in the present case and the dispute had arisen between the parties due to some misunderstanding and thereafter the same has been settled due to the intervention of respectables vide compromise Annexure P-2 and that respondent No.2 has no objection in case the present FIR is quashed based upon compromise.

I have heard learned counsel for the parties.

This Court vide order dated 14.07.2022 had directed the parties to appear before the learned Illaqa Magistrate/trial Court for the purpose of recording of the statements with regard to the voluntariness of the compromise. Thereafter, a report has now been received from the learned Sub Divisional Judicial Magistrate, Jagraon in which it has been stated that the petitioners as well as the complainant, i.e. the respondent No.2 have appeared and got their statements recorded. The learned Sub Divisional Judicial Magistrate, Jagraon has reported that after going through the statements of the parties, the Court is satisfied that respondent No.2, i.e. Gurmail Singh has effected the compromise with the petitioners namely

Gurpratap Singh and Harminder Kaur with his own free will and without any coercion or pressure from any corner and the same is found to be genuine. It has been further stated in the report that as per the statements of the parties, the petitioner No.1 Gurpratap Singh is appearing in Court and is on bail but no challan has been presented against petitioner No.2 namely Harminder Kaur.

In view of the report which has been sent by the learned SDJM, Jagraon the compromise which has been arrived at between the parties is genuine and without any undue influence or coercion.

The law with regard to the quashing of FIR based upon compromise is well settled. 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 and others***", (SC) 2019(5) SCC 688 and Full Bench judgment of this Court in "***Kulwinder Singh Vs. State of Punjab***", 2007(3) RCR(Criminal) 1052 it was held that when a case does not fall within the category of serious or heinous offence and the parties have compromised with each other, then considering the facts and circumstances of each and every case, the High Court can always exercise its power by invoking inherent powers under Section 482 of the Code of Criminal Procedure to quash the FIR based upon compromise in order to secure the end of justice.

In the present case, a fight had taken place between the neighbours and it is a case of simple injuries and thereafter the matter has been compromised between the parties. The parties have got recorded their respective statements before the learned Sub Divisional Judicial Magistrate,

Jagraon, who has sent a report that the compromise was genuine, voluntarily and without any threat or coercion or undue influence. The facts of the case do not fall in the category of serious or heinous crime. Therefore, in view of the aforesaid law laid down by the Hon'ble Supreme Court, this Court is satisfied that in order to secure the end of justice, further prosecution of the petitioners would not be in the interest of justice since the matter has been amicably settled between the parties.

In view of the above, the present petition is allowed and the FIR No.16 dated 01.02.2019, under Sections 325/323/506/34 IPC, registered at Police Station Sadar Jagraon, District Ludhiana Rural alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

**October 10, 2022**  
dinesh

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |