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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34292-2021
Date of Decision: 07.09.2022

Gurwinder Singh Sodhi @ Sodhi and another

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Amarpreet Singh, Advocate, for the petitioners.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Sanjay Singh, Advocate, for
Mr. R.S. Thakur, 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. 78 dated 23.04.2018, under Sections 324, 323, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Talwandi Sabo, District Bathinda alongwith all other consequential proceedings, based upon compromise (Annexure P-2).

It has been submitted by the learned counsel for the petitioners that it is a case where due to sudden fight between the parties some simple injuries were caused on respondent No.2 but 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. He further submitted that the petitioners are not 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 against the petitioners. He further submitted that in pursuance of the orders passed by this Court on 26.11.2021 the parties have already got their statements recorded before the learned Judicial Magistrate Ist Class, Talwandi Sabo that the compromise is genuine, voluntary and without any threat, 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 the matter pertains to simple injuries inflicted upon respondent No.2 and the matter has been compromised between the parties as per the statements recorded by them before the learned Judicial Magistrate Ist Class, Talwandi Sabo.

Mr. Sanjay Singh, Advocate appearing on behalf of Mr. R.S. Thakur, Advocate for 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 26.11.2021, the learned Judicial Magistrate Ist Class, Talwandi Sabo has sent a report in which he has stated that the parties have appeared before him 21.12.2021 and statements of petitioners/accused Gurvinder Singh Sodhi @ Sodhi, Sonu Kumar @ Sonu @ Monu and complainant/

respondent No.2 Mahesh Sharma have been recorded. Both the parties have stated that the matter has been compromised between the parties voluntarily and without any threat, coercion or undue influence. It has been further stated in the report that there are only two accused in the present case who are petitioners in the present petition and no other person is involved in the present FIR except the abovesaid two petitioners nor they have been declared as proclaimed offenders in the present FIR and that Mahesh Sharma is the only complainant/victim in the present FIR. It has been further stated in the report that as per the statements of the parties, the compromise effected between the parties is voluntary and without any pressure.

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 any 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 any 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. 78 dated 23.04.2018, under Sections 324, 323, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Talwandi Sabo, District Bathinda alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

07.09.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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