

Sr. No. 248

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

**CRM-M No.52065 of 2019
Date of Decision: 01.04.2022**

Manpreet Kaur & ors.

.....Petitioners

Vs.

State of Punjab & ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naveen Sharma, Advocate,
for the petitioners.

Mr. R.S. Thind, DAG, Punjab.

Mr. B.S. Chahal, Advocate, for
Mr. Arjunveer Sharma, Advocate,
for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.205 dated 29.08.2018, under Sections 323, 341, 34 and 506 IPC, registered at Police Station Civil Lines, Patiala, District Patiala (charges framed under Sections 323, 341, 506 and 201 IPC) and all subsequent proceedings arising therefrom on the basis of Compromise dated 23.11.2019 (Annexures P2).

It has been submitted by learned counsel for the petitioners that there was a fight between the parties, which resulted into simple injuries and the dispute in the present case does not fall in the category of serious or heinous offence and since the matter has been compromised between the parties with the intervention of the respectables and all the petitioners and

the private respondents are not habitual offenders and it was only because of a fight, which took place due to a misunderstanding that the present FIR was lodged and thereafter, an amicable settlement has arrived between the parties. He further submitted that in pursuance of the order passed by this Court on 06.12.2019 for recording the statements of the parties before the Illaqa Magistrate/trial Court, both parties have appeared before the learned Illaqa Magistrate/trial Court pertaining to the genuineness and voluntariness of the agreement for an amicable settlement.

Learned State counsel has stated that it is correct that the subject matter of the present dispute does not fall in the category of serious or heinous offence and all the accused and the injured/the complainant are arrayed as parties in the present petition and they have got their statements recorded. So far as the stage of the case is concerned, the same is at the stage of prosecution evidence.

Mr. B.S. Chahal, Advocate has also appeared on behalf of Mr. Arjunveer Sharma, Advocate, for respondents No.2 and 3 and stated that he has no objection if the aforesaid FIR is quashed since the statements have been recorded before the learned Magistrate.

I have heard the learned counsel for the parties.

In pursuance to the orders passed on 06.12.2019, the statements of the parties have been recorded by the learned Judicial Magistrate First Class, Patiala. A report has been received from the learned Judicial Magistrate First Class, Patiala, dated 04.01.2020, wherein it has been stated that all the parties have got their statements recorded and the complainant/injured have stated that that they have no objection in case the aforesaid FIR is quashed.

In the report, it has been stated by the learned Magistrate that the Court is satisfied with regard to the validity of the compromise and the same has been entered into between the parties without any fear, force or coercion and the same is genuine.

As per the facts and circumstances of the present case are considered, the present case does not fall in the category of serious and heinous offences. A fight has taken place between two parties due to their own disputes but thereafter, the misunderstanding was removed with the intervention of respectables and all the parties have recorded their statements before the learned Judicial Magistrate First Class, Patiala, who has reported that the settlement is genuine, voluntary and without any fear or coercion. Statements of petitioner and respondents No.2 and 3 were also recorded.

After hearing the learned counsel for the parties and after perusing the report submitted by the learned Judicial Magistrate First Class, Patiala, in compliance of the directions issued by this Court, this Court is of the considered opinion that since the matter has been amicably compromised between the parties and it is not a case where it can be termed as serious or heinous crime, no useful purpose would be served in case the litigation is lingered on. It is a settled law that in case the offence does not fall within the category of serious and heinous crime, then according to the facts and circumstances of the case, the FIR can be quashed on the basis of compromise. There is no impediment against the parties for getting the FIR quashed.

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*, this petition is allowed and F.I.R. No.205 dated 29.08.2018, under Sections 323, 341, 34 and 506 IPC, registered at Police Station Civil Lines, Patiala, District Patiala (charges framed under Sections 323, 341, 506 and 201 IPC) and all subsequent proceedings arising therefrom on the basis of compromise are hereby quashed.

01.04.2022*monika***(JASGURPREET SINGH PURI)****JUDGE***Whether speaking/reasoned* Yes/No*Whether reportable* Yes/No