

CRM-M-54071-2019 (O&M)

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

**CRM-M-54071-2019 (O&M).
Decided on: February 23, 2022.**

Anuj Kumar @ Anuj Goryan and another

.. Petitioners

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Kanish Jindal, Advocate, for
 Mr.Rishav Jain, Advocate,
 for the petitioners.**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Nitesh Singla, Advocate,
for complainant – respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of F.I.R. No.110 dated 8.5.2019, under Sections 323, 452,
506 and 34 IPC, registered at Police Station Jamalpur, District Ludhiana
(Annexure P1) and all subsequent proceedings arising therefrom on the
basis of compromise dated 22.11.2019 (Annexure P2).

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It has been submitted by the learned counsel for the petitioners that in the present case the FIR was got registered against both the petitioners who are the accused in the present case and the dispute was due to some misunderstanding between the parties and thereafter, the matter has since been amicably settled between both the petitioners and private respondent No.2 with the intervention of the respectables and the compromise was also reduced into writing vide Annexure P-2. He submitted that the matter is still at the investigation stage and the petitioners are law abiding citizens and have not been declared as proclaimed offenders. He further submitted that in view of the aforesaid position no useful purpose would be served in case further prosecution is carried on especially in view of the fact that a compromise has been reached between the parties and injury was simple in nature. He submitted that the present case does not fall within the category of serious and heinous offence and in pursuance of the orders passed by this Court on 19.12.2019 for recording of the statements of the parties before the learned trial Court/Illaqia Magistrate to ascertain the genuineness and voluntariness of the compromise, the parties have appeared before the learned trial Court/Illaqia Magistrate for getting their statements recorded in this regard.

On the other hand, Mr.Randhir Singh Thind, learned Deputy Advocate General, Punjab, has submitted that it is correct that the matter is at the investigation stage and the injuries were not serious and they were simple in nature.

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Learned counsel for private respondent No.2 has submitted that it is correct that a compromise has been arrived at between the parties vide Annexure P-2 and respondent No.2 has no objection in case the FIR is quashed based upon compromise as no useful purpose would be served in case further prosecution is carried on.

I have heard the learned counsel for the parties.

In pursuance of the orders passed by this Court on 19.12.2019, to ascertain the genuineness and voluntariness of the compromise, the parties have appeared before the learned trial Court/Illaqu Magistrate. A communication has been received from the learned District and Sessions Judge, Ludhiana, along with the report of the learned Judicial Magistrate First Class, Ludhiana dated 15.1.2020 in which it has been stated that there are only two persons who have been arrayed as accused in the present petition and there is only one complainant namely Pritam Ahuja @ Pritam Kumar and he has got his statement recorded. It has been further stated in the report that the learned Judicial Magistrate First Class, Ludhiana, is of the considered opinion that compromise arrived at between the parties is genuine and without any threat, coercion or undue influence from any quarter.

The law with regard to quashing of the FIR based upon compromise is well settled. In case while exercising powers under Section 482 Cr.P.C. the High Court thinks it fit and proper that further continuation of the prosecution would be an abuse of the process of law because there are least chances of conviction then in the facts and

circumstances of each and every case, the High Court may quash the FIR based upon compromise. As per the facts of the present case, it does not fall within the category of serious and heinous offence and at the threshold the matter has been settled with the intervention of the respectables and the injuries suffered are also simple in nature. As per the report of the learned Judicial Magistrate First Class, Ludhiana, the compromise was without any threat, undue influence or coercion. Therefore, this Court is of the considered view that it is a fit case for interference under Section 482 Cr.P.c..

Thus, 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.110 dated 8.5.2019, under Sections 323, 452, 506 and 34 IPC, registered at Police Station Jamalpur, District Ludhiana (Annexure P1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.11.2019 (Annexure P2) are quashed on the basis of compromise qua the petitioners only.

February 23, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No