

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

271)

CRM-M-8859 of 2020 (O&M)
Date of Decision:17.07.2023

Arvinder Singh Bhatia and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

2)

CRM-M-1923 of 2021 (O&M)

Ajaypal Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kunal Sarangal, Advocate, for
Mr. Maneet Arya, Advocate,
for the petitioners in CRM-M-8859 of 2020 and
for respondents No.2 to 4 in CRM-M-1923 of 2021.

Mr. B.B.S. Randhawa, Advocate,
for the petitioners in CRM-M-1923 of 2021 and
for respondent No.2 in CRM-M-8859 of 2020.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. Both the cases are taken up together with the consent of learned
counsels for the parties since the prayer made in both the cases is for
quashing of FIR/DDR based upon a compromise.

2. The petition (CRM-M-8859 of 2020) has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.0007 dated 12.01.2019, under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, registered at Police Station Qadian, Tehsil Batala, District Gurdaspur, alongwith all other consequential proceedings arising therefrom, based upon compromise (Annexure P-2) and the petition (CRM-M-1923 of 2021) has been filed under Section 482 of the Code of Criminal Procedure for quashing of the Dairy No.32 dated 14.01.2019 (in FIR No.0007 dated 12.01.2019), under Sections 323, 324, 341, 427, 506, 148 and 149 of the Indian Penal Code (Sections 325 and 326 IPC added later on vide Dairy No.019 dated 20.01.2019), registered at Police Station Qadian, Police District Batala, alongwith all other consequential proceedings arising therefrom, based upon compromise (Annexure P-2).

3. This petition (CRM-M-8859 of 2020) has been filed by three petitioners, namely, Arvinder Singh Bhatia, Prabhdeep Singh Bhatia @ Prabh and Sharandeep Singh Bhatia who were the three accused in FIR No.0007 dated 12.01.2019, under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, registered at Police Station Qadian, Tehsil Batala, District Gurdaspur. This FIR was lodged on the basis of a complaint made by one Sukhwinder Singh who is respondent No.2. A compromise was got effected between the parties and thereafter the present petition for quashing of FIR in question was filed based upon a compromise.

4. This Court vide order dated 06.02.2023 had directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements

recorded pertaining to the authenticity of the compromise.

5. This petition (CRM-M-1923 of 2021) has been filed by three petitioners, namely, Ajaypal Singh, Sukhwinder Singh and Gursharanjit Singh @ Sunny being three accused in Dairy No.32 dated 14.01.2019 (in FIR No.0007 dated 12.01.2019), under Sections 323, 324, 341, 427, 506, 148 and 149 of the Indian Penal Code (Sections 325 and 326 IPC added later on vide Dairy No.019 dated 20.01.2019), registered at Police Station Qadian, Police District Batala and there are three added persons in the present case who are impleaded as respondents No.2, 3 and 4, namely Sarandeep Singh, Prabhdeep Singh and Lovepreet Singh. Both the aforesaid two cases were directed to be heard together since both the cases are version and cross-version. The parties in this petition were directed to appear before the learned Illaqa Magistrate vide order dated 01.05.2023.

6. Learned counsel for the petitioners as well as learned counsel for the private respondents (in both the cases) have submitted that both the parties were appeared before the learned Illaqa Magistrate/trial Court in pursuance of the directions issued by this Court to get their statements recorded. They also submitted that one of the petitioner, namely Arvinder Singh Bhatia in CRM-M-8859 of 2020 has already died and therefore this petition survives qua petitioners No.2 and 3 only.

7. They also submitted that since it was a case of cross fight and also a case of version and cross-version, the police has also not presented the *challan* in the present case despite the fact that the FIR is of the year 2019 and the compromise has been effected between the parties. They also

submitted that the subject matter of the present FIR do not pertain to any serious or heinous offence and more particularly when all the petitioners and the private respondents were not declared as proclaimed offenders in any of the case and also not involved in any other case and considering the fact that a compromise has been effected between the parties amicably, no useful purpose would be served in case the further prosecution is carried on. Both learned counsel have prayed for quashing of the FIR/DDR based upon a compromise.

8. Mr. Rajiv Verma, learned DAG appearing on behalf of the State of Punjab has submitted, on instructions from ASI Satnam Singh, that a compromise has been effected between the parties and the police has not yet presented the *challan* considering the compromise between the parties.

9. I have heard learned counsel for the parties.

10. In pursuance of the order passed by this Court on 06.02.2023 (in CRM-M-8859 of 2020) and the order dated 01.05.2023 passed by this Court (in CRM-M-1923 of 2021), parties had appeared before the learned Illaqa Magistrate/trial Court. Separate reports have been received in both the aforesaid cases. In CRM-M-8859 of 2020 a report has been received from the learned JMIC, Batala dated 04.03.2023 whereby it has been so stated that petitioner No.1, namely, Arvinder Singh has already expired on 16.12.2020 and a copy of his death certificate is also placed on record. So far as the two petitioners and respondent No.2-complainant is concerned, they got their statements recorded and as recorded by the learned JMIC, Batala, these accused persons have not been declared proclaimed offenders

and the learned Magistrate is satisfied that the compromise effected between the parties is genuine and is not the result of any pressure or coercion. It has also been reported by the learned JMIC that as per the statement of the investigating officer, neither any FIR nor any complaint is pending against the accused persons at Police Station Qadian. Similarly, another report has been received in CRM-M-1923 of 2021 from the learned Judicial Magistrate Ist Class, Batala, dated 26.06.2023 in which it has been stated that the learned JMIC is satisfied that the compromise effected between the parties is genuine and is not the result of any pressure or coercion and the accused have not been declared as proclaimed persons/offenders and as per the statement of the investigating officer, no FIR/complaint is pending against the accused persons at Police Station Qadian.

11. After hearing learned counsel for the parties and perused the reports filed by the learned JMIC in both the cases, this Court is of the view that it is a case which does not fall within the category of serious or heinous offence and more particularly when both the parties are not proclaimed offenders nor they are involved in any other case as per the reports of the learned JMIC in both the cases before this Court. As per learned State counsel, although the FIR/DDR was of the year 2019 but no report under Section 173 of the Code of Criminal Procedure has been presented before the competent Court in view of the compromise effected between the parties. 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 v. State of Punjab** 2007 (3) RCR (CrL.) 1052 observed that in case there is pure financial dispute between the parties and the same is amicably settled and the Court is satisfied that in order to secure the ends of justice, if FIR can be quashed based upon compromise, then such powers can always be exercised by the High Court by invoking the provisions of Section 482 of the Code of Criminal Procedure. However, in case the category of the case falls within the category of serious or heinous offence, then in that situation such a power should not be invoked.

12. In view of the aforesaid facts and circumstances, this Court is of the view that considering the voluntariness and *bonafide* intention of the compromise effected between the parties and the fact that the subject matter of the offence does not fall within the category of serious or heinous offence, no useful purpose would be served in case further prosecution is carried on and rather it will be in the interest of justice to quash the FIR/DDR based upon a compromise and also considering the parameters laid down by the Hon'ble Supreme Court in *Gian Singh's* case (supra) and Full Bench of this Court in *Kulwinder Singh's* case (supra).

13. Consequently, both the petitions are allowed and FIR No.0007 dated 12.01.2019, under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, registered at Police Station Qadian, Tehsil Batala, District Gurdaspur, alongwith all other consequential proceedings arising therefrom, and Dairy No.32 dated 14.01.2019 (in FIR No.0007 dated 12.01.2019),

under Sections 323, 324, 341, 427, 506, 148 and 149 of the Indian Penal Code (Sections 325 and 326 IPC added later on vide Dairy No.019 dated 20.01.2019), registered at Police Station Qadian, Police District Batala, alongwith all other consequential proceedings are hereby quashed qua the petitioners (except petitioner No.1 in CRM-M-8859 of 2020 since expired) based upon compromise.

17.07.2023
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(JASGURPREET SINGH PURI)
JUDGE

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