

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

CRM-M-12315-2023 (O&M)

Date of Decision: 15.12.2023

Gobind Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Paras Jagga, Advocate for the petitioners.

Mr. H.S. Sitta, DAG, Punjab.

Mr. J.S. Mahal, Advocate for

Mr. Dhanvir Batish, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.30 dated 01.05.2022, under Sections 148, 149, 323, 341 and 506 of IPC (Section 452 of IPC added later on), registered at Police Station Kheri Gandain, District Patiala alongwith all other consequential proceedings based upon compromise.

2. It has been submitted by the learned counsel for the petitioners that the present FIR has arisen out of the matrimonial dispute between respondent No.2/complainant, his wife and the petitioners who are the brother-in-laws of respondent No.2/complainant and thereafter, the matter was amicably settled between the parties with the intervention of the respectable vide Annexure P-2 and rather the husband and wife are now living together amicably. He further submitted that the subject matter of the dispute does not fall in the category of any serious or heinous offence

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 09.05.2023, the parties had appeared before the learned Judicial Magistrate Ist Class, Rajpura and got the statements recorded with regard to the factum of compromise and considering the aforesaid facts and circumstances where the matter has been amicably settled between the parties, the FIR alongwith all the consequential proceedings may be quashed.

3. Mr. H.S. Sitta, DAG, Punjab has submitted that there is a matrimonial dispute between respondent No.2 and his wife and the aforesaid FIR was lodged as a consequence of the same. He also submitted that the subject matter of the dispute does not fall in the category of any serious or heinous offence and, therefore, the State has no objection in case the aforesaid FIR is quashed based upon compromise since the State is not prejudicially affected.

4. Mr. J.S. Mahal, Advocate for Mr. Dhanvir Batish, Advocate has appeared on behalf of the complainant/respondent No.2 and has stated that the matter has been amicably settled between the parties without any coercion or undue influence and he has no objection in case the FIR is quashed based upon compromise.

5. I have heard the learned counsel for the parties.

6. The parties were directed to appear before the learned trial Court/Illaq Magistrate vide order dated 09.05.2023 passed by this Court for the purpose of recording of the statement pertaining to voluntariness and genuineness of the compromise. A report dated 06.06.2023 has been received from the learned Judicial Magistrate Ist Class, Rajpura, whereby it has been so stated that the complainant namely, Parveen Kumar has got

recorded his statement in this regard and similarly, the statements of the other parties were also recorded including the I.O namely ASI Sewa Singh and it has also been stated that the matter has been compromised between the parties with their free will and consent and without pressure or coercion on either side and compromise effected between the parties is genuine and voluntary.

7. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. The Hon'ble Supreme Court in ***“State of Madhya Pradesh Vs. Laxmi Narayan and others”, 2019(2) SCC (Crl.) 706, “Gian Singh Vs. State of Punjab and another”, 2012(10) SCC 303***, and Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs. State of Punjab and another”, 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.

8. In the facts and circumstances of the present case the subject matter of the allegations in the present FIR does not fall in the category of any serious or heinous offence. Furthermore, the learned Judicial Magistrate Ist Class, Rajpura has also reported that as per the statements of the parties, the compromise is without any pressure, coercion or threat from any side. 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 or 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.

9. Consequently, the present petition is allowed and the FIR No.30 dated 01.05.2022, under Sections 148, 149, 323, 341 and 506 of IPC (Section 452 IPC added later on), registered at Police Station Kheri Gandain, District Patiala alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

15.12.2023
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(JASGURPREET SINGH PURI)
JUDGE

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