

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

CRM-M-13251-2023 (O&M)

Date of Decision: 15.12.2023

Guramritpal Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for the petitioners.

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

Ms. Muskan, Advocate for
Mr. Jagjeet Singh, 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.76 dated 25.05.2019, under Sections 452, 325, 324, 323 and 34 IPC, registered at Police Station Sirhali, District Tarn Taran, Punjab, alongwith all other consequential proceedings based upon compromise.

2. Learned counsel for the petitioners has submitted that the subject matter of the dispute does not fall in the category of any serious or heinous offence and a sudden fight had taken place between the parties which resulted in lodging of the present FIR. She further submitted that the matter has been compromised between the parties with the intervention of the respectables and therefore, no useful purpose will be served in case further proceedings are carried on against the petitioners.

She further submitted that in pursuance of the orders passed by this Court

on 26.04.2023, the parties had appeared before the learned Judicial Magistrate Ist Class, Tarn Taran 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 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. Ms. Muskan, Advocate, for Mr. Jagjeet Singh, 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 she 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/ Illaqa Magistrate vide order dated 26.04.2023 passed by this Court, for the purpose of recording of the statement pertaining to voluntariness and genuineness of the compromise. A report dated 07.07.2023 has been received from the learned Judicial Magistrate Ist Class, Tarn Taran, whereby it has been so stated that the complainant namely, Ranjit Kaur has got recorded her statement in this regard and similarly, the statements of the petitioners were also recorded 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, Tarn Taran 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.76 dated 25.05.2019, under Sections 452, 325, 324, 323 and 34 IPC, registered at Police Station Sirhali, District Tarn Taran, Punjab, alongwith

all other consequential proceedings is hereby quashed qua the petitioners
based upon compromise.

15.12.2023
shweta

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No