

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

279

CRM-M-26192 of 2023

Date of Decision: 16.08.2023

Ritesh Gawri and another**....Petitioners****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Maninderjit Singh, Advocate,
for the petitioners.

Mr. Aditya Kapoor, AAG, Punjab

Mr. Arundeeep Singh, Advocate, for
Mr. F. N. Goyal, 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 the FIR No.0052 dated 14.04.2022, under Sections 323, 341, 506, 148, 149, 427 of the Indian Penal Code, registered at Police Station Sirhind, District Fatehgarh Sahib alongwith all other consequential proceedings arising therefrom, based upon compromise.

2. It has been submitted by learned counsel for the petitioners that it is a case where the allegations are pertaining to causing injuries to respondent No. 2 by the petitioners and in fact no serious injuries have been caused to the complainant and thereafter, with the intervention of the respectable of the village a compromise was effected between the parties

vide Annexure P-2. He submitted that vide order dated 22.05.2023 passed by this Court, statements of the petitioners and respondent No.2-complainant have been recorded before the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib with regard to the voluntariness and genuineness of the compromise reached between the parties. He submitted that the subject matter of the present FIR does not fall within the category of serious or heinous offence and considering the aforesaid amicable settlement between the parties, the present FIR may be quashed based upon a compromise.

3. Mr. Aditya Kapoor, learned AAG, Punjab has stated that it is correct that the parties have got their statements recorded before the learned Addl. Chief Judicial Magistrate, Fatehgarh Sahib.

4. Mr. Arundeeep Singh, Advocate, for Mr. F. N. Goyal, Advocate, has appeared on behalf of the complainant/respondent No.2 and has stated that an amicable settlement has been reached between the parties and the complainant/respondent No.2 does not wish to pursue with the complaint/FIR which has been lodged by him and he has no objection in case the FIR is quashed based upon compromise.

5. I have heard learned counsel for the parties.

6. In pursuance of the order passed by this Court on 22.05.2023, the parties had appeared before the learned Addl. Chief Judicial Magistrate, Fatehgarh Sahib and that Court has sent a report to this Court vide letter dated 02.08.2023 wherein it has been stated that the statement of the complainant Roop Singh has been recorded and apart from the above joint statement of the petitioners has also been recorded. In view of

the said statements, the compromise appears to have been effected voluntarily and out of free will and it appears to be genuine and without any undue influence. The subject matter of the present FIR does not fall within the category of serious or heinous offence.

7. The law with regard to quashing of FIR based upon compromise is no longer *res integra*. 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”, (SC) 2019(196) AIR 1 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. After hearing the learned counsel for the parties and perusing the report sent by the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and considering the fact that the subject matter of the present FIR does not fall within the category of serious or heinous offence, this Court is of the view that in the interest of justice the present FIR can be quashed upon a compromise and in view of the law laid down by the Hon'ble Supreme Court as aforesaid.

9. In view of the aforesaid position, the present petition is allowed and the FIR No.0052 dated 14.04.2022, under Sections 323, 341, 506, 148, 149, 427 of the Indian Penal Code, registered at Police Station

Sirhind, District Fatehgarh Sahib alongwith all other consequential proceedings is hereby quashed qua the petitioners based upon compromise.

August 16, 2023
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(JASGURPREET SINGH PURI)
JUDGE

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