

246

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43685-2022
Date of Decision: 14.07.2023

Lakhwinder Singh @ Lakha and others Petitioners

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Harchand Singh Batth, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Amritpal S. Sohal, Advocate for
Mr. Gaurav Kalsi, 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 with a prayer for quashing of the FIR bearing No.141, dated 27.08.2022, under Sections 326, 323, 506, 34 of the IPC and Sections 25, 27 of Arms Act, 1959 registered at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) on the basis of compromise (Annexure P-2) arrived at between the parties.

2. Learned counsel for the petitioners has submitted that in the present case a fight had taken place between the petitioners and the private respondent but it is a case of no injury caused to anybody and there was political rivalry between the parties. He further submitted that this Court had specifically directed the State to file an affidavit that as to whether there was any injury caused by fire arm or not, to which the State has already filed the

reply and in the reply it has been so stated in Para No.6 that it is found that no injury has been caused by petitioner No.1 with fire arm. He also submitted that the matter has since been resolved between the parties and no useful purpose will be solved in case further proceedings are carried on. He further submitted that this Court vide order dated 29.03.2023 had directed the parties to get the statements recorded before the Illaqa Magistrate/trial Court for the purpose of ascertaining the authenticity and genuineness of the compromise between the parties and in pursuance thereof, the parties have already appeared before the learned Illaqa Magistrate/trial Court where the statements have been recorded. He also submitted that by way of a separate order passed by this Court, petitioner No.2 and the complainant were also permitted to get the statements recorded by way of Video Conferencing since they were in Canada and in pursuance of the aforesaid permission granted by this Court, the statements have been recorded. He further submitted that the present case does not fall in the category of the heinous or serious offence.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab, has stated that reply has already been filed by the State and it is correct that in Para No.6 of the affidavit it has been so stated that no injury has been caused by petitioner No.1 with fire arm but the injury was caused by way of other weapons.

4. Mr. Gaurav Kalsi, learned counsel for respondent No.2/complainant has stated that he has specific instructions to state that the matter has been amicably settled between the parties and he has no objection in case the present FIR with all the subsequent proceedings is quashed based upon compromise.

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

6. This Court vide order dated 21.09.2022 had directed the State to file a specific affidavit as to whether any injury was caused by fire arm or not. The State has already filed affidavit and stated that no injury was caused by fire arm. The offences were pertaining to fight in which now the parties have settled the dispute amicably and in pursuance of the orders passed by this Court on 29.03.2023, the parties were directed to appear before the learned Illaqa Magistrate/trial Court and a report has been received from the learned Sub Divisional Judicial Magistrate, Patti, dated 18.04.2023 wherein it has been so stated that both the parties have appeared and statements of both the parties were got recorded separately. The statements of complainant/respondent No.2 and petitioner No.2 have been recorded through WhatsApp Video Calling in pursuance of the permission granted by this Court and it has been so reported by the learned Magistrate that he is satisfied that the compromise arrived between the parties, who appeared before him for recording the statements, is a genuine and valid compromise and the same has been entered into voluntarily with free will of the parties without any threat or coercion or undue influence or pressure of any kind.

7. The law with regard to the quashing of the FIR on the basis of compromise, is well settled by the Hon'ble Supreme Court in "State of Madhya Pradesh Vs. Laxmi Narayan and others", 2019(2) SCC (CrL) 706 and also in "Gian Singh Vs. State of Punjab and another", 2013(1) SCC (CrL) 160 and Full Bench judgment of this Court in "Kulwinder Singh and others Vs. State of Punjab 2007 (3) R.C.R. (Criminal) 1052," that when it is in the interest of justice and to secure the end of justice, the FIR can be

quashed based upon compromise then the powers under Section 482 of the Code of Criminal Procedure can be exercised. However, such a power should not be exercised when the offences are very serious or heinous offence.

8. The present case does not fall in the category of some serious or heinous offence. The statements of the parties have already been recorded before the learned Sub Divisional Judicial Magistrate, Patti, who has reported that the aforesaid compromise appears to be genuine and the same has been entered into voluntarily with free will of the parties without any threat or coercion or undue influence or pressure of any kind.

9. Therefore, this Court is of the view that there is no bar in quashing of the FIR based upon the compromise and in order to secure the ends of justice, the present FIR needs to be quashed based upon the compromise.

10. Consequently, the present petition is allowed and FIR bearing No.141, dated 27.08.2022, under Sections 326, 323, 506, 34 of the IPC and Sections 25, 27 of Arms Act, 1959 registered at Police Station Sadar Patti, District Tarn Taran (Annexure P-1) with all consequential proceedings arising therefrom, are hereby quashed on the basis of compromise qua the petitioners.

14.07.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned:

Yes/No

2. Whether reportable:

Yes/No