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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51470-2022 (O&M)
Date of decision: 08.12.2023

KIRAN BALA AND OTHERS

...Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Prince Sharma, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Manoj Dhankar, Advocate for
Ms. Balwant Kaur, Advocate
for respondents No.2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of the FIR No.19 dated 03.04.2021, under Sections 326, 323, 452, 148, 149 and 506 of the IPC, registered at Police Station Kacha Pacca, Tehsil Patti, District Tarn Taran, Punjab along with all consequential proceedings arising therefrom, on the basis of compromise dated 09.06.2022 (Annexure P-2).

2. Learned counsel for the petitioners submitted that FIR was lodged on the basis of sudden fight between the parties and although there was a grievous injury upon respondent No.2 but it was a case where due to sudden

fight injury was caused but now the injured is hale and hearty. He further submitted that thereafter, the matter has been compromised between the parties with the intervention of the respectables and in this regard, even an affidavit of respondent No.2 has been filed vide Annexure P-2, wherein it is stated that the FIR was got registered due to some misunderstanding and now the misunderstanding has been cleared with the intervention of the respectables. He also submitted that thereafter, in pursuance of order passed by this Court on 01.05.2023, the parties were directed to appear before the learned Illaqa Magistrate/trial Court for recording their statements with regard to the authenticity of compromise, to which they have already got their statements recorded before the learned Illaqa Magistrate/trial Court. He further submitted that the subject matter of the present dispute does not fall in the category of any serious or heinous offence and the petitioners are not habitual offenders. He further submitted that all the aggrieved persons in the present case are impleaded as party to this petition and their statements have also been recorded and therefore, present FIR may be quashed on the basis of compromise.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that the subject matter of the present dispute does not fall in the category of any serious or heinous offence since the aggrieved party is hale and hearty. He further submitted that the parties have got their statements recorded before the learned Illaqa Magistrate/trial Court.

4. Learned counsel for respondents No.2 and 3 submitted that the compromise has already been effected between the parties without any undue influence or coercion and respondents No.2 and 3 have voluntarily got their statements recorded before the learned Illaqa Magistrate/trial Court.

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

6. The prayer in the present petition is for quashing of FIR based upon compromise. A perusal of FIR would show that the subject matter of the present dispute does not fall in the category of any serious or heinous offence and particularly in view of the fact that all the learned counsel for the parties have so stated before the Court today that now the injured-respondent No.2 is hale and hearty. The learned Judicial Magistrate 1st Class, Patti has sent a report before this Court dated 05.07.2023, wherein it has been stated that both the private respondents, namely, Jagdish Kumar and Rimpal Bala have got their statements recorded with regard to the authenticity and voluntariness of the compromise being effected between the parties to state that the same was recorded with their free consent, will and without any kind of pressure, fear and undue influence and they have no objection in case aforesaid FIR is quashed based upon compromise. The petitioners have also got their statements recorded. The Investigating Officer has also stated that there are total 5 accused in the present case and they have not been declared as proclaimed offenders. It is also reported by the learned Judicial Magistrate 1st Class, Patti that the compromise is genuine, voluntary and without any coercion or undue influence as ascertained from both the parties.

7. The Hon'ble Supreme Court in **State of Madhya Pradesh versus Laxmi Narayan and others,** 2019(2) SCC (Crl.) 706 and also in **Gian Singh versus State of Punjab and another,** 2013(1) SCC (Crl.) 160 and Full Bench judgment of this Court in **Kulwinder Singh and others versus State of Punjab** 2007 (3) R.C.R.(Criminal) 1052 held that where the offence does not fall in the category of any serious or heinous offence and the Court is satisfied that

considering the facts and circumstances of the case, it will not be in the interest of justice to continue with the prosecution, then FIR can be quashed on the basis of compromise.

8. After hearing learned counsel for the parties and perusing the record and the report of the learned Judicial Magistrate 1st Class, Patti, this Court is of the view that considering the report of the learned Judicial Magistrate 1st Class, Patti and also considering the facts and circumstances of the present case, the subject matter of the present dispute does not fall in the category of any serious or heinous offence since the matter has been voluntarily compromised between the parties and in order to secure the ends of justice, it will be just and proper to quash the present FIR based upon compromise.

9. Consequently, the present petition is allowed.

10. The impugned FIR No.19 dated 03.04.2021, under Sections 326, 323, 452, 148, 149 and 506 of the IPC, registered at Police Station Kacha Pacca, Tehsil Patti, District Tarn Taran, Punjab along with all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 09.06.2022 (Annexure P-2), qua the petitioners.

08.12.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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