

268

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59829-2022
Date of decision: 28.08.2023

LOVEKARAN SINGH @ LOVEPREET SINGH @ LOVE AND OTHERS
...Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER
...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. H. S. Batth, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Divyansh Vats, 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 Cr.P.C. for quashing of the FIR No.212 dated 26.12.2021, under Sections 326, 324, 148 and 149 of the IPC, registered at Police Station City Patti, District Tarn Taran, Punjab along with all consequential proceedings arising therefrom, on the basis of compromise dated 21.11.2022 (Annexure P-2).

2. Learned counsel for the petitioners has submitted that it is a case where a fight had taken place and allegedly there was an injury on the left elbow of respondent No.2-complainant but immediately the matter was settled between the parties with the intervention of the respectables of the village and

the matter is still at the investigating stage and the challan has not been presented till date before the learned 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 in pursuance of the order passed by this Court on 27.04.2023, the parties have already got their statements recorded before the learned trial Court/Illaq Magistrate in this regard. He further submitted that now the statements with regard to the genuineness and voluntariness of the compromise has already been recorded and no useful purpose will be served in case further prosecution is carried on and therefore the FIR may be quashed on the basis of compromise.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that it is correct that after the registration of FIR, the police investigated the case but has not presented the challan till date because parties have compromised with each other. He further submitted that the subject matter of the present dispute does not fall in the category of any serious or heinous offence.

4. Mr. Divyansh Vats, Advocate appearing on behalf of Mr. Gaurav Kalsi, Advocate for respondent No.2-complainant has also admitted to the factum of compromise and has stated that respondent No.2-complainant has also got his statement recorded and he has no objection in case the said FIR is quashed on the basis of compromise.

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

6. It is a case where the allegations were that respondent No.2-complainant was beaten up by the present four petitioners, who were the

accused in the FIR and injury was caused on the left elbow of respondent No.2-complainant. As per the learned counsel for the parties, offences under Sections 326, 324, 148 and 149 of the IPC do not fall in the category of any serious or heinous offence. The parties were directed to appear before the learned trial Court/Illaq Magistrate for the purpose of recording their statements pertaining to genuineness and voluntariness of compromise. A report has been received from the learned Sub-Divisional Judicial Magistrate, Patti dated 27.07.2023, wherein it has been stated that all the four petitioners, who were the accused have got their statements recorded and respondent No.2-complainant has also got his statement recorded in the present case. Learned Sub-Divisional Judicial Magistrate, Patti has also reported that he is satisfied that the compromise arrived at between the parties is genuine and valid one and the compromise has been entered voluntarily with free will of the parties without any threat or coercion or undue influence or pressure of any kind. The statement of the Investigating Officer, namely, ASI Kulbeer Singh was also recorded and he stated that none of the accused-petitioners have been declared as proclaimed offender and they are also not involved in any other FIR. It is also reported by learned Sub-Divisional Judicial Magistrate, Patti that there is only one aggrieved person i.e. Buta Singh, who is respondent No.2-complainant.

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

8. The aforesaid facts and circumstances of the present case suggest that the subject matter of the present dispute does not fall in the category of any serious and heinous offence. As per the report of the learned Sub-Divisional Judicial Magistrate, Patti, the matter has been compromised between the parties, which is genuine and voluntary and without any threat or coercion.

9. Therefore, in view of the aforesaid ratio of judgments, this Court is of the considered view that considering the totality and facts and circumstances of the present case, no useful purpose will be served in case further prosecution is carried on and rather it will be in the interest of justice to quash the FIR on the basis of compromise.

10. Consequently, the present petition is allowed.

11. The impugned FIR No.212 dated 26.12.2021, under Sections 326, 324, 148 and 149 of the IPC, registered at Police Station City Patti, District Tarn Taran, Punjab along with all consequential proceedings arising therefrom are hereby quashed, on the basis of compromise dated 21.11.2022 (Annexure P-2), qua the petitioners.

28.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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