

(2020) 10 P&H CK 0217

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 26209 Of 2020

Sukh @ Sukhpreet Kaur And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 29-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 34, 324, 452, 506

Citation : (2020) 10 P&H CK 0217

Hon'ble Judges : Jasgurpreet Singh Puri, J

Bench : Single Bench

Advocate : Jashan Jot Singh, Sukhbeer Singh, Davinder Singh Dadwal, Amit Shukla

Final Decision : Allowed

Judgement

Jasgurpreet Singh Puri, J

The present petition under Section 482 Cr.P.C. has been filed for quashing of FIR No.132 dated 08.7.2020, under Sections 452, 324, 506, 34 IPC,

registered at Police Station Sadar Ahmedgarh, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of

compromise dated 26.8.2020 (Annexure P-2).

The controversy in the present case pertains to lodging of FIR on the basis of statement made by complainant Mandeep Kaur wife of Harjinder Singh,

who is respondent No.2 in the present case that the petitioners, who are her neighbours came armed with iron type kirch weapon and with wooden

sticks and after raising lalkara they told complainant and her son that they will not be spared and thereafter attacked on the right hand of the

complainant with their respective weapons and various other allegations have

been made in the FIR with regard to the fight which ensued between the complainant and the petitioners, who are the accused.

The FIR is at the stage of investigation and during this period, the petitioners and the complainant (respondent No.2) entered into compromise with each other vide Annexure P-2 in which they stated that with the intervention of the respective persons of the area both the parties have compromised without any pressure.

When this petition was filed, notice of motion was issued by this Court on 04.9.2020 in which Mr. Amit Shukla, Advocate appeared on behalf of complainant (respondent No.2) and this Court directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of the statement in the context of the compromise and the Illaqa Magistrate/Trial Court was also directed to submit its report with regard to genuineness of the compromise viz-a-viz number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not on or before the adjourned date.

The report has been received by this Court from Shri Jagwinder Singh, Judicial Magistrate 1st Class, Malerkotla dated 15.9.2020 wherein it is stated that both the parties alongwith respective counsels appeared before him and stated that they have compromised the matter and further prayed for recording of statements with regard to the compromise. The learned Magistrate has stated in the report that after going through the statements of the parties and on asking the parties, it is crystalized that the compromise has been arrived at genuinely and is made voluntarily without any pressure or coercion and as per the statement of the Investigating Officer ASI Sukhwinder Singh in the present case four persons namely Sukh @ Sukhpreet Kaur, Harchand Singh, Darshan Singh and Manjot Kaur have been arrayed as accused on the statement of complainant and further as per the statement of Investigating Officer no accused has been declared as proclaimed offender in the present FIR.

Learned State counsel has stated that there is no dispute with regard to the compromise being effected between the parties and the statements have been recorded before the learned Illaqa Magistrate. Shri Davinder Singh Dadwal, Advocate for Shri Amit Shukla, Advocate for respondent No.2 has also caused appearance and states that the compromise was effected voluntarily

and he has no objection in case the present petition is allowed and the FIR in question is quashed on the basis of compromise between the parties.

I have heard learned counsel for the parties.

In the present case the parties have already compromised with each other and it is a case where simple injuries have been attributed to the accused

and the matter is still at the investigation stage before the police. The law with regard to the quashing of FIR on the basis of compromise is longer res

intgra. The power under Section 482 Cr.P.C. is to be exercised not in a casual or in a mechanical manner and is rather to be exercised in a manner so

as to elicitate the cause of substantial justice. There can be no straight jacket formula for the purpose of quashing of FIR on the basis of compromise.

However, extreme caution has to be taken in cases of quashing of FIR and consequential proceedings based on compromise. In case of serious and

heinous crime, such power should not be exercised, however, in other cases, where the Court is satisfied that no useful purpose would be served in

case the proceedings are allowed to be continued and rather it would not be in the interest of justice to do so, the proceedings can be considered for

being quashed on the basis of compromise.

In the facts and circumstances of the present case the allegations in the present case pertains to causing of simple injuries to the complainant by the

petitioners, who are the accused, resulted into the lodging of the FIR. As per the learned counsel for the parties it is a case of simple injuries caused to

the complainant and once the matter has now been compromised and the parties are living peacefully, no useful purpose would be served in case the

present proceedings of the FIR are allowed to be continued. This Court is of the opinion that it is a fit case where the FIR may be quashed on the

basis of compromise between the parties as no useful purpose would be served in case the criminal proceedings are ordered to be continued.

Apart from that, a perusal of the report of learned Judicial Magistrate 1st Class would show that the compromise has been effected voluntarily

between the parties and without any pressure, coercion, undue influence.

Therefore, keeping in view the law laid down by the Full Bench judgment of this Court in Kulwinder Singh and others Vs. State of Punjab, 2007 (3)

RCR (Criminal) 1052 and the law laid down by Hon'ble Supreme Court in Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543,

the present petition is allowed and the FIR No.132 dated 08.7.2020, under Sections 452, 324, 506, 34 IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur, is ordered to be quashed qua petitioners.