

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

Criminal Misc.No.M-13501 of 2014

Date of Decision: January 29, 2015

Davinder Singh Bhogal & Ors.

.. Petitioners

Versus

State of Punjab & Anr.

.. Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Hitesh Kaplish, Advocate,
for the petitioners.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.Rajeev Sharma, Advocate,
for respondent No.2.

* * *

Naresh Kumar Sanghi, J.

This is a petition for quashing of FIR No.14, dated 03.02.2014, under Sections 406 and 420, IPC, registered at Police Station, City, Phagwara, District Kapurthala, and the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-1).

Vide order dated 14.11.2014, this Court had directed the affected parties to appear before the learned trial court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its detailed

report in that regard along with copies of the statements to this Court on or before the date fixed.

In compliance thereof, the petitioners, namely, Davinder Singh Bhogal, Mani @ Amardeep Singh, and Kulwant Kaur as well as respondent No.2 Hardy Singh did appear before the court below and got recorded their respective statements with regard to compromise.

Respondent No.2-Hardy Singh suffered the following statement:-

"Stated that, I have compromised the matter with the accused no.1, Davinder Singh Bhogal son of Sucha Singh, aged about 50 years, No.2 Kulwant Kaur wife of Davinder Singh Bhogal, aged about 48 years and No.3 Manny son of Davinder Singh Bhogal, aged about 25 years, all residents of H.No.175-C, New Model Town, Phagwara, without any pressure or coercion through the respectables of the locality and to keep harmony amongst the party. I have no objection if the abovesaid FIR be quashed against all the accused as I do not want to proceed further with the present case."

The petitioners have also suffered the similar statements admitting the factum of compromise.

The operative part of the report dated 29.11.2014

received from learned Sub Divisional Judicial Magistrate, Phagwara, is as under:-

“In view of the statements of complainant and accused persons mentioned above, I am satisfied that the compromise between parties is genuine and out of free will of the parties and without pressure or coercion.”

Learned counsel for the petitioners submits that due to confusion, respondent No.2/complainant had reported the matter to the police, on the basis of which, the impugned FIR was registered. He further submits that due to intervention of the respectable and the elderly people of the society, the matter has been resolved and the amount due towards the petitioners has been returned to respondent No.2/complainant. All the terms and conditions of the compromise deed (Annexure P-1) have been materialized. He further submits that Section 420, IPC, is compoundable with the permission of the Court while Section 406, IPC, is not made out on the facts and circumstances of the present case.

Learned counsel for the State, on instructions from HC Mukhtiar Singh, Police Station, City, Phagwara, District Kapurthala, very fairly concedes that both the private factions have resolved the disputes and effected a compromise. He has gone through the copies of the statements and the report received from the learned Sub Divisional Judicial Magistrate, Phagwara, and has no objection

if the impugned FIR and all the consequential proceedings arising therefrom are quashed.

Learned counsel for respondent No.2 Hardyal Singh submits that he has instructions to state at bar that respondent No.2 Hardyal Singh has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed in view of the compromise effected between the private parties. He further concedes that the disputed amount has been returned to respondent No.2/ complainant and all the terms and conditions of the compromise deed (Annexure P-1) have been materialized.

After hearing learned counsel for the parties and going through the material available on record, this Court is of the considered opinion that the offences, alleged to have been committed by the petitioner, were personal in nature. Due to intervention of respectable and the elderly people of the society, the petitioners have resolved their dispute with respondent No.2/ complainant. The amount due towards them (petitioners) has been returned to the complainant/respondent No.2. The statement of respondent No.2/ complainant has also been recorded by learned trial court. The report received from the said Court would reveal that the compromise, so effected between the parties, was voluntary one. In the matter of **Kulwinder Singh and others Vs. State of Punjab and another**, 2007(3) RCR (Criminal) 1052, a five-

Judge Bench of this Court held that if the offences which are non-compoundable are personal in nature then while exercising the jurisdiction under Section 482, Cr.P.C., the High Court can order for quashing of the FIR and the consequential proceedings arising therefrom on the basis of compromise.

As a sequel to the above and the law laid down in **Kulwinder Singh** 's case (supra) the present petition is allowed and FIR No.14, dated 03.02.2014, under Sections 406 and 420, IPC, registered at Police Station, City, Phagwara, District Kapurthala, and all the consequential proceedings arising therefrom are hereby quashed.

January 29, 2015

Seema

(Naresh Kumar Sanghi)

Judge