

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

116

**CRM-26147-2020 in/and
CRM-M-4541-2020
Date of Decision:30.10.2020**

SURINDER SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. A.A. Pathak, Addl. A.G., Punjab.

Mr. P.S. Kanwar, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-26147-2020

Prayer in the application is for preponement of the hearing of the main case, which is listed for 28.01.2021.

For the reasons given in the application, the same is allowed and hearing of the main case is preponed and the petition is taken up on Board today itself.

Main Case

The instant petition has been filed for quashing of FIR No.170 dated 11.09.2019 (Annexure P-1) registered under Sections 465, 467, 468, 471, 120-B of Indian Penal Code, 1860 at Police Station Goindwal Sahib, District Tarn Taran, on the basis of compromise dated 08.01.2020 (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 03.02.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

After recording the statements of the accused-petitioners and complainant-private respondents, the Judicial Magistrate Ist Class, Amritsar, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. ASI Balbir Chand, Belt No.964/TT, the Investigating Officer in his statement before the trial Court has stated that none of the accused have been declared as Proclaimed Offenders.

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.170 dated 11.09.2019 (Annexure P-1) registered under Sections 465, 467, 468, 471, 120-B of Indian Penal Code, 1860 at Police Station Goindwal Sahib, District Tarn Taran and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

30.10.2020
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No