

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

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CRM-M-5561-2020

Date of Decision:04.12.2020

ASHOK KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gurdarshan Singh Sidhu, Advocate for the petitioner.

Mr. Abhinash Jain, DAG, Haryana.

Mr. Devinder Singh Nigha, Advocate
for complainant/respondent No.2.

SUVIR SEHGAL, J.(ORAL)

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

The instant petition has been filed for quashing of FIR No.892 dated 07.12.2015 (Annexure P-1) registered under Sections 323/406/498-A/34 of Indian Penal Code, 1860 at Police Station Sirsa City, District Sirsa, on the basis of compromise deed dated 17.12.2019 (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 10.02.2020, 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 Chief Judicial Magistrate, Sirsa, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported 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.

In pursuance to the order dated 10.11.2020, the photocopy of the order dated 20.11.2020, whereby the marriage between the petitioner and respondent No.2 has been dissolved under Section 13-B of the Hindu Marriage Act, 1955, has been filed. Same is taken on record.

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.892 dated 07.12.2015 (Annexure P-1) registered under Sections 323/406/498-A/34 of Indian Penal Code, 1860 at Police Station Sirsa City, District Sirsa and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

04.12.2020

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No