

**CRM No.28170 of 2020 in/and
CRM-M-11516 of 2019**

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

**CRM No.28170 of 2020 in/and
CRM-M-11516 of 2019
Date of decision:18.12.2020**

Kuldeep Dass and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Barjinder Singh, Advocate, for the petitioners.

Mr. H.S.Sitta, Assistant Advocate General, Punjab.

Mr. Chetan Kapoor, Advocate, for respondent No.2.

SUVIR SEHGAL, J. (Oral)

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

CRM No.28170 of 2020

Prayer in the application is for preponement of the hearing of the main case which is fixed for 02.03.2021.

Notice of the application to the non-applicants.

On asking of the Court, Mr. H.S.Sitta, Assistant Advocate General, Punjab accepts notice on behalf of the non-applicant/respondent-State and Mr. Chetan Kapoor, Advocate has appeared on behalf of the non-applicant/respondent No.2. They have no objection in case the application is allowed.

Application is allowed. Hearing of the main case is preponed

from 02.03.2021 to today and it is taken on Board for hearing today itself.

CRM-M-11516 of 2019

The instant petition has been filed for quashing of cross-case DDR No.28 dated 24.01.2019 (Annexure P-1) registered under Sections 452, 323, 148 and 149 of Indian Penal Code, 1860 (hereinafter referred to as “IPC”) at Police Station Sadar Rajpura, District Patiala recorded in FIR No.11 dated 24.01.2019 (Annexure P-2) registered under Sections 452, 506, 323, 148 and 149 of IPC at Police Station Sadar Rajpura, Rajpura on the basis of statement/compromise deed dated 25.02.2019 (Annexure P-3) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 13.03.2019, 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 respondent, the Judicial Magistrate Ist Class, Rajpura, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence.

Counsel for the petitioners has made a reference to para 10 of the petition and submitted that the petitioners have neither been declared as Proclaimed Offenders nor any PO proceedings are pending against them.

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. Cross-case DDR No.28 dated 24.01.2019 (Annexure P-1) registered under Sections 452, 323, 148 and 149 of IPC at Police Station Sadar Rajpura, District Patiala recorded in FIR No.11 dated 24.01.2019 (Annexure P-2) registered under Sections 452, 506, 323, 148 and 149 of IPC at Police Station Sadar Rajpura, Rajpura and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

December 18, 2020
savita
Whether Speaking/Reasoned
Whether Reportable

(SUVIR SEHGAL)
JUDGE
Yes
Yes/No