

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

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CRM-M-25656-2020

Date of decision: 10.11.2020

Krishan Lal Goyal alias Krishan Kumar and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Amaninder Singh Sekhon, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab
for respondent No.1-State.

Mr. Harsimran Singh, Advocate
for respondents No.2 and 3.

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.125 dated 08.08.2019 (Annexure P-1) registered under Sections 498-A of Indian Penal Code, 1860 at Police Station Jaito, District Faridkot, on the basis of compromise by way of affidavits of complainant/respondent No.2 and prosecution witness/respondent No.3 dated 17.07.2020 (Annexures P- 2 and P-3 respectively) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners submits that the entire amount of

Rs.7.5 lacs, agreed in the compromise, has been paid to the complainant-respondent No.3. The marriage between petitioner No.3 and respondent No.3 has been dissolved and decree for divorce by mutual consent has been passed by the matrimonial Court on 16.09.2020. He has further made a reference to para 13 of the petition to submit that none of the petitioners have been declared as Proclaimed offenders in the present case or in any other case.

Vide order dated 02.09.2020, 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 Sub-Divisional Judicial Magistrate, Jaitu has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence.

Hon'ble 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 Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Hon'ble 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 noncompoundable 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.125 dated 08.08.2019 (Annexure P-1) registered under Sections 498-A of Indian Penal Code, 1860 at Police Station Jaito, District Faridkot and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

10.11.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No