

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

222

CRM-M-25622-2020

Date of decision: 17.11.2020

Gurminder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Jimmy Singla Advocate, for the petitioners.

Mr. Amit Mehta, Senior DAG, Punjab
for respondent No.1-State.

Mr. S.K.Bansal, Advocate for 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.0106 dated 16.08.2020 (Annexure P-1) registered under Sections 323, 324, 451, 34 of Indian Penal Code, 1860 at Police Station Chhajali, District Sangrur, on the basis of compromise, dated 25.08.2020 arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 21.09.2020, 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, Sunam 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 Offender and no other criminal case is pending against the accused.

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.0106 dated

16.08.2020 (Annexure P-1) registered under Sections 323, 324, 451, 34 of Indian Penal Code, 1860 at Police Station Chhajali, District Sangrur and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.11.2020

(SUVIR SEHGAL)
JUDGE

pooja saini

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No