

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

CRM-M-26627-2020 (O&M)
Date of decision: 16.11.2020

SHAMSHER SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Jangvir Singh Hooda, Advocate,
for the petitioners.

Mr. Abhinash Jain, Deputy Advocate General, Haryana.

Mr. Ashok Kaushik, 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.276 dated 07.08.2020, registered under Sections 148, 149, 323, 324, 325, 34, 506 (Section 326 of the IPC was incorporated during investigation) of the Indian Penal Code, 1860 at Police Station Chandhut, District, Palwal, on the basis of compromise dated 27.08.2020 arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 08.09.2020, 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Palwal 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 the trial is yet to start.

The 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.276 dated 07.08.2020, registered under Sections 148, 149, 323, 324, 325, 34, 506 (Section 326 of the IPC was incorporated during investigation) of the Indian Penal Code, 1860 at Police Station Chandhut, District, Palwal and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

November 16, 2020

Ess Kay

**[SUVIR SEHGAL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	Yes
<i>Whether Reportable</i>	:	Yes / No