

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

222-A

CRM-M-27638-2020

Date of decision: 17.11.2020

Gurwinder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Sandeep Bansal, Advocate, for the petitioners.

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

Mr. Jimmy Singla, 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 cross case bearing DDR No. 0017 dated 16.08.2020, under Sections 323, 341, 34 Indian Penal Code, 1860 (Annexure P/1), connected with cross case bearing FIR No.0106 dated 16.08.2020 registered at Police Station Chhajali, District Sangrur, under Sections 323, 324, 451, 34 IPC, on the basis of compromise, dated 03.09.2020 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. cross case bearing DDR No. 0017 dated 16.08.2020, under Sections 323, 341, 34 Indian Penal Code, 1860 (Annexure P/1), connected with cross case bearing FIR No.0106 dated 16.08.2020 registered at Police Station Chhajali, District Sangrur, under Sections 323, 324, 451, 34 IPC and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.11.2020

pooja saini

(SUVIR SEHGAL)**JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No