

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

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CRM-M-27923-2020

Date of decision: 09.12.2020

Kamalveer Sharma and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Rahul Rampal, Advocate, for the petitioners.

Mr. H.S. Multani, AAG, Punjab.

Mr. Mohal Dev Sharma, 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.116 dated 03.07.2020 (Annexure P-1) registered under Sections 380, 120-B of Indian Penal Code, 1860 at Police Station Cantt Bathinda, District Bathinda, on the basis of compromise, dated 31.08.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners has submitted that the FIR was an outcome of dispute between members of a partnership firm, which has been resolved by virtue of compromise, Annexure P-2.

Vide order dated 15.09.2020, 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-respondent No.2, the Civil Judge (Junior Division) Bathinda, 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.116 dated 03.07.2020 (Annexure P-1) registered under Sections 380, 120-B of Indian Penal Code, 1860 at Police Station Cantt Bathinda, District Bathinda and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

09.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No