

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

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**CRM-M-28442-2019 (O&M)
Date of decision: 09.12.2020**

Vijay Kumar and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

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

Mr. Amit Gupta, Advocate for respondents No.2 to 5.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-30087-2020

Application is allowed.

Annexures P-17 and P-18 are taken on record.

Main case.

The instant petition has been filed for quashing of FIR No.103 dated 28.05.2019, registered under Sections 458, 323, 506, 148, 149 of Indian Penal Code, 1860 at Police Station Patran, District Patiala on the basis of compromise deed, dated 15.01.2019, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners has referred to the affidavits, Annexures P-17 and P-18 to submit that the petitioner No.5, Raman Kumar is also known by the name of Ramandeep Ram and petitioner No.6, Aman Kumar is also known as the name of Amandeep Kumar.

Vide order dated 22.10.2019, 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 Judicial Magistrate Ist Class, Samana 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 nor any proclamation proceedings are pending against them.

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. A 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 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.103 dated 28.05.2019, registered under Sections 458, 323, 506, 148, 149 of Indian Penal Code, 1860 at Police Station Patran, District Patiala 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