

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

240

CRM-M-31929-2020

Date of Decision:18.12.2020

GURMESH AND ANR

...PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Johan Kumar, Advocate for the petitioners.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Govind Chouhan, Advocate for respondents No.2 to 4.

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.77 dated 28.05.2020 (Annexure P-1) registered under Sections 406/420/506 of Indian Penal Code, 1860 and Section 24 of Immigration Act (Sections 370/384 of IPC added later on) at Police Station Nigdhu, District Karnal, on the basis of compromise dated 24.07.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 09.10.2020, 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, Karnal, 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 Offenders, however, one FIR is pending against the accused-petitioner No.1.

Counsel for the petitioners has submitted that a compromise has been arrived at even in that FIR.

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.77 dated 28.05.2020 (Annexure P-1) registered under Sections 406/420/506 of Indian Penal Code, 1860 and Section 24 of Immigration Act (Sections 370/384 of IPC added later on) at Police Station Nigdhu, District Karnal, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

18.12.2020

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No