

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

117

**CRM-25420-2020 in/and
CRM-M-32986-2019
Date of Decision:16.10.2020**

**KARANBIR SINGH @ KARANVIR SINGH
@ KARAN AND OTHERS**

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Balbir Singh Jaswal, Advocate
for the applicants/petitioners.

Mr. A.A. Pathak, Addl. A.G., Punjab.

Mr. Nitin Sharma, Advocate for respondents No.2 and 3.

SUVIR SEHGAL, J.(ORAL)

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

CRM-25420-2020

Prayer in the application is for preponement of the hearing of the main case, which is listed for hearing on 19.01.2021.

For the reasons given in the application, the same is allowed and hearing of the main case is preponed and the petition is taken up on Board today itself.

Main Case

The instant petition has been filed for quashing of FIR No.52 dated 30.01.2015 (Annexure P-1) registered under Sections 364/427 of Indian Penal Code, 1860 at Police Station A Division, District Amritsar (offences under Sections 325/323/427/201/34 IPC in which challan was filed and the offence under Section 364 IPC was deleted) on the basis of

compromise dated 20.07.2019 (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 22.01.2020, 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 Judicial Magistrate Ist Class, Amritsar, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused have not been declared as Proclaimed Offenders nor petitioners No.1, 3 and 4 are involved in any other case. Petitioner No.2-Sharnvir Singh, is reported to be involved in FIR No.298/14 under Sections 297/337/338 IPC, Police Station Mandal, District Bhilwara, Rajasthan.

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 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 the criminal proceedings.

Accordingly, the petition is allowed. FIR No.52 dated 30.01.2015 (Annexure P-1) registered under Sections 364/427 of Indian Penal Code, 1860 at Police Station A Division, District Amritsar (offences under Sections 325/323/427/201/34 IPC in which challan was filed and the offence under Section 364 IPC was deleted) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

16.10.2020
sheetal

(SUVIR SEHGAL)
JUDGE

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