

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

**CRM-M-40471 of 2019
Date of Decision: 15.10.2020**

Piara Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Puja Chopra, Advocate
 for the petitioner.

Mr. Ramdeep Singh, DAG, Punjab.

Mr. Tapish Gupta, 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 seeking quashing of FIR No. 08 dated 27.01.2019 (Annexure P-1) registered under Section 307 IPC at Police Station Shambhu, District Patiala, on the basis of compromise dated 07.09.2019 (Annexure P-3) arrived at between the parties along with all subsequent proceedings arising therefrom.

Vide order dated 20.09.2019, 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. In this order, the Court observed as under:-

“Learned counsel for the petitioner contends that the reading of the FIR and the perusal of the MLR of the injured does not constitute a prima facie case under Section 307 IPC. The petitioner is about 70 years of age and is alleged to have given only one knife blow on the chest of the complainant. The complainant was found to be inebriated condition. There is no fracture of the ribs. The complainant was examined at Government Hospital, Rajpura and it was found that the wound had already been stitched. The Doctor at Ambala who had stitched the wound is not even on the list of the witnesses furnished by the prosecution. There is no other injury on the complainant. She also contends that the petitioner himself had suffered several injuries including a black eye. She has referred to the copy of the MLR of the petitioner at Annexure P-6. She states that the petitioner and the complainant belong to the same village and the matter has now been compromised with the intervention of the respectables. She has referred to the copy of the compromise which is annexed as Annexure P-3.”

After recording the statements of the accused-petitioner and complainant-private respondent, the Additional Sessions Judge, Patiala has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence.

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.08 dated 27.01.2019 (Annexure P-1) registered under Section 307 IPC at Police Station Shambhu, District Patiala and all consequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

15.10.2020
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No