

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-25117-2020 in/and
CRM-M-41365-2019
Date of decision: 10.11.2020

Stevan and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Ravi Malhotra, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Naveen Upadhyay, Advocate
for respondent No.2-complainant.

SUVIR SEHGAL J. (ORAL)

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

CRM-25117-2020

Prayer in the application is for preponement.

Notice of the application to the non-applicants, which is accepted by the counsel representing the respondents. They have no objection to the preponement of the hearing of the main case.

Application is allowed.

Main case is ordered to be taken up for hearing on board

today itself.

Main case

The instant petition has been filed for quashing of FIR No.160 dated 24.06.2015 (Annexure P-1) registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala on the basis of compromise dated 11.09.2019 (Annexure P- 2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

At the outset, counsel for the petitioners submits that insofar as petitioner No.2 is concerned, this is second petition for quashing of the FIR, Annexure P-1. The first petition filed by petitioner No.2 was dismissed as withdrawn on 23.01.2018 with liberty to take all available pleas before the trial Court at an appropriate stage. He submits that this fact inadvertently could not be mentioned in the present petition.

Vide order dated 09.01.2020, 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, Kapurthala, 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 they are involved in any other case.

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.160 dated 24.06.2015 (Annexure P-1) registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station City Kapurthala, District Kapurthala and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

10.11.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No