

**CRM No.22823 of 2020 in/and
CRM-M-53816 of 2019**

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

**CRM No.22823 of 2020 in/and
CRM-M-53816 of 2019
Date of decision:29.10.2020**

Gyan Parkash

... Petitioner

Vs.

The State of Union Territory Chandigarh and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shashank Vardaan Sharma, Advocate
for the applicant-petitioner.

Mr. Rajiv Sharma, Additional Public Prosecutor
for U.T.Chandigarh.

Mr. Ashish Bansal, Advocate
for respondent No.2-complainant.

SUVIR SEHGAL, J. (Oral)

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

CRM No.22823 of 2020

Prayer in the application is for preponement of the main case
which is fixed for hearing on 08.01.2021.

Notice of the application to the non-applicant/respondents.

Mr.Rajiv Sharma, Additional Public Prosecutor accepts notice
on behalf of the non-applicant/respondent No.1 and Mr. Ashish Bansal,
Advocate accepts notice on behalf of the non-applicant/respondent No.2.

Counsel for the non-applicant/respondent No.2-complainant

submits that balance amount of Rs.3,12,000/- has been received by the complainant at the time of recording of second motion in petition under Section 13-B of Hindu Marriage Act, 1955.

Counsel for the non-applicant/respondents have not opposed the prayer made in the application.

Application is allowed. Hearing of the main case is preponed to today and is taken on board for hearing today itself.

CRM-M-53816 of 2019

The instant petition has been filed for quashing of FIR No.70 dated 07.09.2016 (Annexure P-1) registered under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Women Chandigarh, Sector 17, Chandigarh, on the basis of compromise/settlement deed dated 13.11.2019 (Annexure P-2) arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 23.01.2020, 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-petitioner and complainant-private respondent, the Judicial Magistrate Ist Class, Chandigarh, 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 has not been declared as Proclaimed Offender.

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.70 dated 07.09.2016 (Annexure P-1) registered under Sections 406 and 498-A of Indian Penal Code, 1860 at Police Station Women Chandigarh, Sector 17, Chandigarh and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

October 29, 2020

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No