

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

227+121

**CRM-M-229-2020 (O & M)
Date of Decision:03.03.2021**

MANJIT SINGH HARRY

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Narinder Singh Dadwal, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

Mr. Jagjit Singh, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

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

CRM-5940-2021

Prayer in the application is for placing on record Zimini Orders of the trial Court, Annexure P-4, and summons as well as their reports, Annexure P-5.

Application is allowed. Annexures P-4 and P-5 are taken on record.

Main Case

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.78 dated 20.06.2018 registered under Sections 341, 323, 379-B, 148, 149, 295, 506 and 120-B IPC, at Police Station City Raikot, District Ludhiana Rural, Annexure P-1, on the basis of compromise dated 01.12.2019, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner has referred to the zimini orders, Annexure P-4, to submit that though the proclamation under Section 82 of the Criminal Procedure Code was issued to secure the presence of the accused-petitioner but he has never been declared as a Proclaimed Offender.

Vide order dated 08.01.2020, 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-respondent No.2, the Judicial Magistrate Ist Class, Jagraon, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that proclamation for presence of the accused-petitioner had been issued by the trial court on 17.12.2019 and no other criminal case is pending against the petitioner.

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.78 dated 20.06.2018 registered under Sections 341, 323, 379-B, 148, 149, 295, 506 and 120-B IPC, at Police Station City Raikot, District Ludhiana Rural, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

03.03.2021
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(SUVIR SEHGAL)
JUDGE

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