

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3810 of 2021
Date of decision:12.03.2021

Amandeep Singh @ Aman and others ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gagandep Singh Simble, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. K.S.Brar, Advocate for
Ms. Deepshivjyot Mann, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

The instant petition has been filed for quashing of FIR No.282 dated 21.12.2020 (Annexure P-1) registered under Sections 341/323/324/34 of Indian Penal Code, 1860, however, Section 326 IPC was added later on, at Police Station City Batala, Police District Batala, District Gurdaspur on the basis of compromise dated 20.01.2021 (Annexure P-3) arrived at between the parties alongwith all consequential proceedings arising therefrom.

Vide order dated 28.01.2021, 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-respondent No.2, Sub Divisional Judicial Magistrate Batala, has reported, relevant extract of which is as under:-

“i. As per record and as per the statement of Investigating Officer of FIR No.282 dated 21.12.2020 under Sections 341, 323, 324, 34 IPC and Section 326 was added later on, registered at P.S.City, Batala, Police, three persons namely Amandeep Singh @ Aman, Harveer Singh @ Honey and Piyush Lamba have been arrayed as accused. All the three accused appeared and made their separate statements in support of compromise. As per record and statement of investigating officer, none of the accused is declared absconding/proclaimed offender in the present case.

ii. As per record and as per statement of investigating officer, the above captioned FIR has been registered on the statement of complainant Sourav Bhatia son of Subhash Bhatia and said complainant appeared and made his separate statement in support of compromise and apart from above said complainant, there is no other injured/aggrieved in the present FIR.

iii. As per report of Ahlmad, no papers pertaining to present FIR are pending before the Court of undersigned.

iv) In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

v. As per record and as per the statement of Investigating Officer, except the present FIR, no other complaint/FIR/criminal case registered against above named accused at P.S. City, Batala.”

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.282 dated 21.12.2020 (Annexure P-1) registered under Sections 341/323/324/34 of Indian Penal Code, 1860, however, Section 326 IPC was added later on, at Police Station City Batala, Police District Batala, District Gurdaspur on the basis of compromise dated 20.01.2021 (Annexure P-3) arrived at between the parties alongwith all consequential proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

March 12, 2021

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<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>