

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

115-2

**CRM-25414-2021 in/and
CRM-M-4564-2021
Date of Decision:26.08.2021**

HARBHAJAN SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jaiteshwar Singh, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Harkirpal Singh , Advocate
for respondents No.2 to 5.

SUVIR SEHGAL, J.(ORAL)

Heard through video conferencing.

CRM-25414-2021

Noticing the prayer made in the application, it is allowed. Date of hearing of the main case is advanced to today and is ordered to be taken on Board.

Main Case

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.69 dated 15.06.2020 registered under Sections 323/324/148/149 IPC, 1860, (Section 326 IPC was added later on) at Police Station Subhanpur, District Kapurthala, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 25.01.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that FIR, Annexure P-1, is a result of altercation between the parties, the dispute is purely personal in nature, and has been settled through the compromise, Annexure P-3.

Vide order dated 24.02.2021, 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-respondents No.2 to 5, the Judicial Magistrate Ist Class, Kapurthala, has submitted a report (which is tagged with file of connected case, CRM-M-4761-2021), the relevant extract of which is as under:-

“In this case, in DDR No.27 dated 16.06.2020 under sections 323, 324, 34 of IPC, PS Subhanpur, District Kapurthala, the statement of complainant Harbhajan Singh, injured/victim Jagjit Singh and accused Joginder Singh, Sukhwinder Singh, Lovepreet Singh and Kamaljit Singh, have been recorded. The complainant Harbhajan Singh has been identified by his counsel Sh. Inderpreet Singh Khaira Advocate. In the FIR No.69 dated 15.06.2020, under Sections 323, 324, 326, 148, 149 of IPC, joint statement of victims/injured Joginder Singh, Sukhwinder Singh, Lovepreet Singh, Kamaljit Singh and accused Harbhajan Singh and Jagjit Singh have been recorded. The complainant of this FIR namely Joginder Singh has been identified by his counsel Sh. Satinder Pal Singh Advocate. As per statement of complainant Harbhajan Singh in DDR No.27 dated 16.06.2020, no other person except accused Harbhajan Singh and Jagjit Singh has been nominated nor any accused has been declared as proclaimed person whereas as per statement of complainant Joginder Singh in FIR No.69 dated 15.06.2020, the said FIR was registered only against four accused persons and neither any other person was nominated nor anyone was declared as proclaimed person. Hence, it has become clear from the statements of both the complainants, as well as accused persons in both the cases, that they have entered into compromise and solved their

differences amicably and peacefully that too, without any undue influence, coercion and threat. As such, it is clarified that parties have entered into compromise voluntarily. The report is accordingly submitted please. ”

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. A 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.69 dated 15.06.2020 registered under Sections 323/324/148/149 IPC, 1860, (Section 326 IPC was added later on) at Police Station Subhanpur, District Kapurthala, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

26.08.2021
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(SUVIR SEHGAL)
JUDGE

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