

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(109)

CRM-M-3333-2020 (O&M)
Date of decision:05.03.2021

Kulwant Singh @ Shamli

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Harvinder Singh Mann, Advocate
for the applicant-petitioner.

...

SUVIR SEHGAL, J. (Oral)

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

CRM-5928-2021

Prayer in the application is for preponing of the hearing of main case, which is fixed for 18.05.2021.

Notice of the application.

On asking of the Court, Mr. Randhir Singh Thind, DAG, Punjab accepts notice on behalf of the State-respondent No.1 and Mr. Harnoor Singh Sidhu, Advocate for Mr. G.S.Waraich, Advocate accepts notice on behalf of the respondent No.2. They do not have any objection in case the prayer is acceded to.

Application is allowed. The hearing of the main case is preponed to today and is taken on Board.

CRM-M-3333-2020

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the FIR No.217 dated 27.11.2019 under Section 336 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act,

1959, registered at Police Station Boha, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2), arrived at between the parties.

Counsel for the petitioner submits that the petitioner and complainant-respondent No.2 are closely related and the FIR is an outcome of the family dispute. He submits that the allegations regarding firing in the air are false and the alleged incident never took place.

Vide order dated 27.01.2020, 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-respondent, the Judicial Magistrate 1st Class, Budhlada has submitted the report, relevant extract of which is as under:-

“By considering the statements of complainant Harjinder Kaur and accused Kulwant Singh it makes out that the parties of the present case have compromised the matter with their free will and without any pressure and influence, so this compromise between the parties appears to be genuine, voluntarily and without any coercion or undue influence.

Status report from concerned police station has also been sought which has been received to the effect that the present FIR has been registered against the accused Kulwant Singh only and no one is proclaimed offender in the present case and the case is still under investigation. Therefore, as per the report received from concerned police station, the present FIR has been registered against the accused Kulwant

Singh only and he is not proclaimed offender in the present case and the case/FIR is still under investigation.”

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.217 dated 27.11.2019 under Section 336 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Boha, District Mansa (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed.

(SUVIR SEHGAL)
JUDGE

05.03.2021

Pardeep

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