

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119)

CRM-M-5790-2021 (O&M)

Date of Decision:- 24.09.2021

Sidhant Kalsi and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.P.Soi, Advocate with
Mr. Sahil Soi, Advocate
for the applicants-petitioners.

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SUVIR SEHGAL, J. (Oral)

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

CRM-24738-2021

Prayer in the application is for preponing of the hearing of main
case, which is fixed for 29.11.2021.

Notice of the application.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab
accepts notice on behalf of the State-respondent No.1 and Mr. A.S.Gagrha,
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-5790-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.173 dated 09.10.2019 registered for offence under Sections 341, 323, 356, 148 and 149 of the Indian Penal Code, 1860, (Sections 325 and 201, IPC, were added later on) at Police Station Adampur, District Jalandhar, Annexure P-1, along with all subsequent proceedings on basis of compromise dated 25.01.2021, Annexure P-3.

Counsel for the petitioners submits that the FIR is an outcome of a petty dispute between the accused-petitioners and the complainant-respondent No.2, who were residents of the same locality, which has been settled by virtue of compromise, Annexure P-3. Counsel submits that in compliance of order passed by this Court on 09.02.2021, the petitioners have appeared before the trial Court and their statements have been recorded in support of the compromise.

Heard.

Vide order dated 09.02.2021, while issuing notice of motion, this Court directed the parties to appear before the Illaqa Magistrate/trial Court for getting their statements recorded with regard to the compromise and a report was called for on the following aspects:-

- “1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.”*

In compliance of above order, a report has been received from the trial Court, the relevant extract of which is reproduced as under:-

“So, on 26.03.2021 both the parties i.e. complainant namely Aditya son of Mukaddar Lal and all the accused namely Sidhant Kalsi, Harjinder Kalsi, Chandan Pal, Mohit Pal and Pratham Pal accused put their appearance in the Court of the undersigned. Statements of both the parties were recorded. Complainant and accused above named suffered their respective statements with regard to the execution of compromise between them. Complainant and accused above named have deposed that they have compromised the matter. Complainant has further stated that he has no objection if the FIR in the present case is quashed against the above mentioned accused.

It is further submitted that as per record there are above named five accused arraigned in the present FIR and there is no other accused. All the above said accused are appearing before the Court and none of the accused is PO. The case is at the stage of prosecution evidence. Adhar Cards as I.D. Proofs of the parties have been taken on record. It is respectfully submitted that from the statements of both the parties it seems that compromise effected between them is genuine one and is voluntary in nature, without any pressure, out of free will, duress or any undue influence.”

Upon instructions from, SI, Prem Kumar, learned State counsel submits that charge has been framed on 24.01.2020, though none out of the twelve prosecution witnesses could be examined.

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.173 dated 09.10.2019, registered under Sections 341, 323, 356, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 201, IPC, were added later on), at Police Station Adampur, District Jalandhar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

24.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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