

**CRM No.26866 of 2021 in/and
CRM-M-6633 of 2021**

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

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**CRM No.26866 of 2021 in/and
CRM-M-6633 of 2021
Date of decision:02.09.2021**

Sarbjit Kumar @ Sarbjit Singh @ Sabi ... Petitioner

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Jaskaran Singh Grewal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.26866 of 2021

Noticing the prayer made in the application, it is allowed.

Date of hearing of the main case is advanced to today and
petition is ordered to be taken up on Board for hearing today itself.

CRM-M-6633 of 2021

The instant petition has been filed for quashing of FIR No.0144
dated 24.10.2020 registered under Sections 323 and 324 of Indian Penal
Code, 1860, however, Section 326 IPC was added later on, at Police Station
Chabbewal, District Hoshiarpur (Annexure P-1) on the basis of compromise
dated 01.02.2021 (Annexure P-2) arrived at between the parties, alongwith

all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that the accused-petitioner and the complainant-respondent No.2 are friends and an altercation ensued between them because of monetary dispute, which has been settled by virtue of compromise (Annexure P-2) and in pursuance to the order passed by this Court on 12.02.2021, the parties have recorded their statements before the trial Court.

While issuing notice of motion, this Court passed the following order on 12.02.2021:-

“The case is taken up through video conferencing on account of COVID 2019.

By filing this petition, quashing of FIR No. 144 dated 24.10.2020 registered under Sections 323, 324 IPC (Section 326 IPC added later on) at Police Station Chabbewal, District Hoshiarpur and other consequential proceedings arising therefrom qua petitioner has been sought on the basis of compromise.

Notice of motion.

Mr. Sidakmeet Singh Sandhu, DAG Punjab and Mr. J.S. Grewal, Advocate accept notice on behalf of respondent No. 1 State and respondent No. 2 respectively.

Parties may appear before learned trial Court/Illaq Magistrate concerned on 17.3.2021 or any other date convenient to said Court and get their statements recorded

with regard to compromise. The original compromise shall be produced before the said court. In the event of their statements being recorded, the Court will send copies of same to this Court before next date of hearing alongwith its report :

- i) regarding genuineness and voluntary nature of compromise ;*
- ii) whether all accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/ petitioners.*

Adjourned to 29.4.2021. ”

In compliance thereto, a report has been received from the trial Court, wherein, after recording the statements of both the parties, it has been submitted that compromise appears to be genuine, voluntary and has been effected without any undue influence, coercion or pressure upon the parties. As per report, the case was initially registered under Sections 323, 324, IPC and the petitioner was arrested for the said offences but later on, in view of the medical report, Section 326 IPC was added, for which offence, the accused is yet to be arrested. It has been further submitted in the report that no PO proceedings are pending against the petitioner nor he is involved in any other FIR.

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.0144 dated 24.10.2020 registered under Sections 323 and 324 of Indian Penal Code, 1860, however, Section 326 IPC was added later on, at Police Station Chabbewal, District Hoshiarpur (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

September 02, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes