

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

(112)

CRM-M-8208-2021 (O&M)

Date of Decision : 24.08.2021

Gurpreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ravi Singh, Advocate
for the applicants-petitioners.

...
SUVIR SEHGAL, J. (Oral)

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

CRM-25004-2021

Prayer in the application is for preponement of the hearing of main case, which is fixed for 24.11.2021.

Application is allowed.

The hearing of the main case is preponed to today and is ordered to be taken on Board.

CRM-M-8208-2021

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.236 dated 25.11.2015, registered for offences under Sections 344, 347, 363, 365, 380, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Sadar, Jagraon (Annexure P-1) on the basis of Compromise Deed dated 10.02.2021 (Annexure P-2), arrived at between the parties, alongwith all subsequent

proceedings arising therefrom, qua the petitioners.

On 23.02.2021, this Court passed the following order:-

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

Prayer in this petition is for quashing of FIR No.236 dated 25.11.2015 under Sections 344, 347, 363, 365, 380, 506, 120-B of Indian Penal Code, 1860, registered at Police Station Sadar, Jagraon, along with all consequential proceedings arising therefrom, on the basis of compromise dated 10.02.2021, arrived at between the parties.

Counsel for the petitioners submits that the complainant is the father of accused-petitioner No.1, petitioner No.2 is his daughter-in-law and petitioner No.3 is his grandson. He submits that the FIR registered by the complainant-respondent No.1, is the outcome of a family dispute, which has now been resolved by virtue of compromise, dated 10.02.2021, Annexure P-2. He has made reference to para 15 of the petition to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Harbir Sandhu, AAG, Punjab, who is present through video

conferencing, accepts notice on behalf of respondent No.1-State. Mr. Saurav K. Manchanda, Advocate accepts notice on behalf of respondent No.2 and has filed his Vakalatnama. Same is taken on record. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 26.02.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 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.*

5. Whether any other criminal case is pending against the accused.

Report of Illaqa Magistrate/trial Court be awaited for 04.05.2021.”

After recording the statements of the accused-petitioners and complainant-respondent, the Sub Divisional Judicial Magistrate, Jagraon has submitted a report, relevant extract of which is as under:-

“i. Three persons, who are the petitioners in the present petition are arrayed as accused in the present case and no accused has been declared proclaimed offender in the present case.

ii. Jagtar Singh is the only complainant/injured/aggrieved persons in the present case.

iii. The case is fixed for defence evidence, if any or for arguments.

iv. The compromise effected between the parties is genuine, voluntary and out of free will of the parties.

v. As per statement of Investigating Officer and Parties, no other criminal case is pending against the accused.”

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.236 dated 25.11.2015, registered for offences under Sections 344, 347, 363, 365, 380, 506 and 120-B of the Indian Penal Code, 1860, at Police Station Sadar, Jagraon (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

24.08.2021

Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes