

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(247)

CRM-M-8650-2021

Date of Decision:- 06.09.2021

Karanvir Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Sandeep Kumar Bansal, Advocate
for respondent No.2-complainant.

...
SUVIR SEHGAL, J. (Oral)

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

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.221 dated 29.11.2020 under Sections 380 and 457 of the Indian Penal Code, 1860 (Section 411 IPC was added later on) (Annexure P-1), registered at Police Station Anaj Mandi, Patiala, on the basis of compromise dated 19.02.2021 (Annexure P-2) arrived at between the parties, along with all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that the FIR is an outcome of a misunderstanding between the complainant-respondent No.2 and the petitioner, which has been sorted out and a compromise (Annexure P-2) has been effected between the parties. Counsel submits that in pursuance to the order dated 24.02.2021 passed by this Court, the statement of the parties have been recorded and a report has been received.

While issuing notice of the petition, this Court passed the following order on 24.02.2021:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.221 dated 29.11.2020 registered under Sections 380 and 457 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Anaj Mandi, Patiala to which Section 411 of the IPC was added lateron and all subsequent proceedings arising therefrom on the basis of compromise dated 19.02.2021.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr.P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of respondent No.1-State.

Mr. Sandeep Bansal, Advocate has appeared on behalf of respondent No.2 and filed his power of attorney through email print out of which is taken on record.

Learned Counsel for respondent No.2 admits the factum of compromise and also undertakes to file his original power of attorney in the Registry.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 01.03.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before 06.05.2021 containing the following information:-

1. Number of persons arrayed as accused in FIR.

2. *Whether any accused is proclaimed offender.*
3. *Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
4. *Whether the accused persons are involved in any other case or not.*
5. *Current stage of the case.*

The trial Court/Illaq Magistrate is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

Reply by respondent No.1-State be filed on the date of hearing fixed, if so desired.”

In pursuance to the above reproduced order, the trial Court has recorded the statement of the parties as well as the Investigating Officer and a report has been received, the relevant extract of which is reproduced as under:-

- “1. *There is only one person arrayed as accused in FIR namely Karanvir Singh.*
2. *Accused Karanvir Singh is not a proclaimed Offender.*
3. *In the given circumstances, I am satisfied that parties have got their statements recorded before the Court voluntarily and without any pressure and the compromise effected between them is genuine, voluntary, without any coercion threat, pressure or undue influence.*
4. *As per the statement of accused and Investigating Officer, accused Karanvir Singh is not involved in any other case.*
5. *The final report under Section 173 (2) of Cr.P.C. is not presented in this case yet and the case is pending for awaiting the same.”*

In his statement recorded before the trial Court, the Investigating Officer has stated that one person, namely, Karanvir Singh (present petitioner) is arrayed as an accused in the FIR.

State-respondent No.1 has not filed any response to the petition.

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.221 dated 29.11.2020 under Sections 380 and 457 of the Indian Penal Code, 1860 (Section 411 IPC was added later on) (Annexure P-1), registered at Police Station Anaj Mandi, Patiala, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

06.09.2021
Kamal

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