

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(110)

CRM-M-7276-2020 (O&M)

Date of Decision:23.02.2021

Jaskirat Singh and others

...Petitioners

VERSUS

M/s J.R.Finance Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

...

SUVIR SEHGAL, J. (Oral)

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

CRM-4750-2021

Prayer in the application is for preponing of the hearing of main case,
which is fixed for 05.05.2021.

Notice of the application.

On asking of the Court, Mr. Ankit Chowdhri, Advocate accepts
notice on behalf of the respondent. He does 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-7276-2020

The instant petition has been filed under Section 482 of the Code of
Criminal Procedure for quashing of the Complaint bearing Criminal Case No.
28/1/2002 dated 05.02.2002 (Annexure P-1) titled as `M/s. J.R.Finance Ltd.

Versus Daljit Singh and others' as well as the summoning order dated 11.07.2003 (Annexure P-2), whereby the petitioners were summoned to face trial under Sections 406, 420, 467, 468, 469, 471 and 120-B of the Indian Penal Code, 1860, on the basis of compromise dated 06.02.2020 (Annexure P-3), arrived at between the parties.

Vide order dated 18.02.2020, 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 Ist Class, Jalandhar has submitted the report, relevant extract of which is as under:-

“1. As per the file, there were total 7 accused out of which only three accused Harinder Kaur W/o Jaskirat Singh, Jaskirat Singh S/o Paramjeet Singh and Paramjeet Singh S/o Kartar Singh are facing trial because the proceedings against the other accused were quashed.

2. As per the file there is only one complainant or affected person in the present case.

This Court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.”

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. Complaint bearing Criminal Case No.28/1/2002 dated 05.02.2002 (Annexure P-1) titled as `M/s. J.R.Finance Ltd. Versus Daljit Singh and others' as well as the summoning order dated 11.07.2003 (Annexure P-2), whereby the petitioners were summoned to face trial under Sections 406, 420, 467, 468, 469, 471 and 120-B of the Indian Penal Code, 1860, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

23.02.2021
Pardeep

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