

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(117)

CRM-M-10319-2021(O&M)

Date of decision: 16.07.2021

Deepak Kumar and another

...Petitioner

Versus

State of Haryana and another

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nitin Sachdeva, Advocate
for the applicants-petitioners.

...

SUVIR SEHGAL, J. (Oral)

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

CRM-18938-2021

Prayer in the application is for preponing of the hearing of main
case, which is fixed for 24.08.2021.

Notice of the application.

On asking of the Court, Mr. Kuldeep Tiwari, Addl. A.G., Haryana
accepts notice on behalf of the State-respondent No.1 and Mr. Mukesh Rao,
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-18934-2021

Application is allowed as prayed for.

CRM-M-10319-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.238 dated 01.06.2018 under Section 420 of the Indian Penal Code, 1860, registered at Police Station Sector 40, District Gurugram (Annexure P-1); challan/final report under Section 173 of the Code of Criminal Procedure, 1973 dated 12.11.2018 (Annexure P-2), in which subsequently Section 34 of the Indian Penal Code, 1860 was added by the police after completion of investigation and order framing charge dated 04.06.2019 (Annexure P-3), vide which charges were framed against the petitioners under Sections 418 and 420 of the Indian Penal Code, 1860, on the basis of compromise deed dated 18.02.2021 (Annexure P-4), arrived at between the parties and alongwith all subsequent proceedings arising therefrom.

Vide order dated 04.03.2021, 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 Civil Judge (Jr. Divn.)-cum-Judicial Magistrate Ist Class, Gurugram has submitted the report, relevant extract of which is as under:-

“With respect to FIR No.238 of 2018, PS Sector 40, Gurugram, vide order dated 04.03.2021 of Hon'ble Ms.

Justice Jaishree Thakur of Hon'ble Punjab & Haryana High Court, the parties were directed to appear before the trial Court/Illaqia Magistrate for getting their statements recorded regarding the genuineness of compromise reached between them. In furtherance of the said directions, statements of parties viz of complainant Vikas and of the accused persons Deepak Kumar & Randhir Singh, duly identified, were recorded. It has been verified that both the complainant and accused have agreed to compromise without any fear or under pressure and the compromise entered into between the parties is genuine. Further, statement of I.O. SI Sanjeev Kumar is also recorded to the effect that there is no PO proceeding or other FIR registered against the accused or any other party in present case. The copies of the statements and order of this Court are attached herewith for onward transmission to the Hon'ble High Court.”

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.238 dated 01.06.2018 under Section 420 of the Indian Penal Code, 1860, registered at Police Station Sector 40, District Gurugram (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

16.07.2021
Kamal

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