

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10781 of 2021
Date of decision:22.04.2021

Raju @ Raju Chauhan and others ... Petitioners

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harvinder Pal Singh Ghuman, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Naveen Sharma, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

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

The instant second petition has been filed for quashing of FIR No.125 dated 31.10.2019 (Annexure P-1) registered under Sections 323, 341, 506 and 149 of Indian Penal Code, 1860 at Police Station Bhadson, Tehsil Nabha, District Patiala on the basis of compromise dated 12.02.2021 (Annexure P-2) arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 09.03.2021, 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 No.2, Judicial Magistrate Ist Class, Nabha has submitted a report, relevant extract of which is as under:-

“From the aforesaid statements of the parties, it apparently appears that the parties have voluntarily, without any pressure or coercion, entered into the compromise between themselves and have settled the matter amicably and said compromise appears to be genuine.

It is pertinent to mention here that all the accused namely Raju, Mamta, Akash, Sagar and Suman and the complainant namely Bibo to the FIR No.125 dated 31.10.2019 under Sections 323, 341, 506, 148 of IPC, Police Station Bhadson appeared before the Court on the directions of Hon'ble High Court as contained in order dated 09.03.2021. No accused is proclaimed offender in above said FIR. Except the above said accused no one arrayed as accused in the present FIR. No cross-case registered or pending against the accused and complainant. It is pertinent to mention here that challan has been presented in this case. The compromise is genuine, voluntary and without any coercion or undue influence.”

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.125 dated 31.10.2019 (Annexure P-1) registered under Sections 323, 341, 506 and 149 of Indian Penal Code, 1860 at Police Station Bhadson, Tehsil Nabha, District Patiala and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

April 22, 2021
savita

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