

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-12210-2021

Date of decision:29.09.2021

Gurpreet Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ferry Sofat, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

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

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

On 19.07.2021, this Court passed the following order in the main
case:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.227 dated 16.09.2017, registered for offence under Sections 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 201 of the Indian Penal Code, 1860 was added later on), at Police Station Meharban, District Police Commissionerate, Ludhiana (Annexure P-1) along with all subsequent proceedings arising therefrom qua the petitioners, on the basis of compromise deed dated 16.09.2020 (Annexure P-2) effected between the parties.

On 17.03.2021, this Court passed the following orders:-

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

Learned counsel for the petitioners submits that FIR is the outcome of a fight which took place between the family members of the petitioner No.1 with his in-laws which has

now been resolved by virtue of a compromise (Annexure P-2). He submits that the complainant-respondent No.2 is now residing happily with her husband/petitioner No.1 in the matrimonial home. He referred to para No.7 of the petition to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the State-respondent No.1 and upon instructions, he submits that Sh. Gurdev Singh, who is the father of the complainant-respondent No.2, was injured in this case, is also a necessary party.

Mr. Ramandeep Singh Gill, Advocate has put in appearance on behalf of the complainant-respondent No.2 and admitted the factum of compromise entered into between the parties.

Counsel for the petitioners seeks and is granted two weeks' time to implead said Sh. Gurdev Singh, as a party respondent.

List on 06.04.2021.”

In pursuance thereto, Gurdev Singh, father of the complainant, has been impleaded as a party-respondent on 08.07.2021 and Mr. Ramandeep Singh Gill, Advocate has put in appearance on his behalf.

Counsel for the petitioners submits that the FIR is an outcome of a matrimonial dispute between the complainant-respondent No.2 and her husband-petitioner No.1, which has been resolved by virtue of compromise deed dated 16.09.2020 (Annexure P-2) and the couple is staying together under one roof.

Counsel representing the respondents No.2 and 3 has admitted the factum of compromise entered into between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 12.08.2021 or on any subsequent date to be fixed by the trial Court 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 the Illaqa Magistrate/trial Court be awaited for 29.09.2021.”

After recording the statements of the parties and the Investigating Officer, Judicial Magistrate Ist Class, Ludhiana, has submitted a report, the relevant extract of which is as under:-

“1. As per FIR and report of the concerned Ahlmad, there are six persons i.e. petitioners arrayed as accused persons and all the accused persons namely Gurpreet Singh S/o Kuldeep Singh, Kuldeep Singh S/o Ranjit Singh, Kulwant Kaur W/o Kuldeep Singh, Sodhi Singh S/o Kuldeep Singh and Gagandeep Singh S/o Kuldeep Singh and Hardeep Singh S/o Kuldeep Singh are appearing before the court. All the accused persons are on bail. As per report of SHO, PS Meharban, no other proceedings is pending against the accused persons.

2. Name of complainant is Baljit Kaur W/o Gurpreet Singh D/o Gurdev Singh R/o Village Burj Pawat, PS Machhiwara, Tehsil Samrala, Distt. Ludhiana and she has suffered a statement in writing that she has voluntarily entered into compromise without any threat, pressure or coercion with accused persons namely Gurpreet Singh S/o Kuldeep Singh, Kuldeep Singh S/o Ranjit Singh, Kulwant Kaur W/o Kuldeep Singh, Sodhi Singh S/o Kuldeep Singh,

Gagandeep Singh S/o Kuldeep Singh and Hardeep Singh S/o Kuldeep Singh.

3. Before the Trial Court, case is pending for arguments on charge.

4. From the statements of the parties, it appears to the court that the parties have been (sic) compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

5. As per report of Ahlmad and statement of the parties as well as statement of the ASI Balbir Singh, P.S. Meharban and report of SHO, none of the accused has been declared as proclaimed offender and no other proceedings are pending against the accused namely Gurpreet Singh S/o Kuldeep Singh, Kuldeep Singh S/o Ranjit Singh, Kulwant Kaur W/o Kuldeep Singh, Sodhi Singh S/o Kuldeep Singh, Gagandeep Singh S/o Kuldeep Singh and Hardeep Singh S/o Kuldeep Singh. As per the statements, there are six accused and one complainant/victim in the present case and all of them are party to the compromise entered into. As per the statements of the parties and record available with the court of undersigned, none of the parties is involved in any other case and none of the parties have been declared as proclaimed offender in the present case nor proclamation proceedings against any person are pending in the present FIR.”

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.227 dated 16.09.2017, registered for offence under Sections 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860 (Sections 325 and 201 of the Indian Penal Code, 1860 was added later on), at Police Station Meharban, District Police Commissionerate, Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

29.09.2021

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(SUVIR SEHGAL)
JUDGE

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