

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(117)

CRM-M-12208-2021 (O&M)

Date of Decision:- 25.08.2021

Harpinder Kaur and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

...

SUVIR SEHGAL, J. (Oral)

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

CRM-25942-2021

Prayer in the application is for preponing of the hearing of main
case, which is fixed for 11.11.2021.

Notice of the application.

On asking of the Court, Mr. Amar Ashok Pathak, Addl. Advocate
General, Punjab accepts notice on behalf of the State-respondent No.1 and
Mr. Jagjit Singh, 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-M-12208-2021

On 17.03.2021, this Court passed the following orders:-

“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 seeking quashing of FIR No.84 dated 24.09.2012 (Annexure P-1) under Sections 420 and 120-B of Indian Penal Code, 1860, registered at Police Station Sudhar District Ludhiana Rural as well as subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2), arrived at between the parties.

Counsel for the petitioners submits that the impugned FIR was an outcome of some property dispute between the petitioners and the private respondent No.2, which has now been settled by virtue of compromise (Annexure P-2). Counsel has referred to para 6 of the petition to submit that none of the accused-petitioners have been declared as proclaimed offender and except the petitioners no other accused is involved in the present case.

Notice of motion.

On asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab accepts notice on behalf of State-respondent No.1. Mr. Jagjit Singh, Advocate has put in appearance and accepts notice on behalf of respondent No.2. He has admitted the factum of compromise effected between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 06.04.2021 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 11.08.2021.”

In compliance to the above said order, a report has been received from the trial Court, the relevant extract of which is as under:-

“1. There are three accused in the present FIR as per the statement of the IO namely Gurdeep Singh, Harpinder Kaur and Pritam Singh. Two of the accused namely Gurdeep Singh and Harpinder Kaur has appeared before the Court to give their statements. Pritam Singh has died and his original death certificate has been produced before the Court on 06.04.2021 which is Ex.C1. None of them is proclaimed offender or

is absconding as per the statement of the IO.

2. *There is only one complainant namely Ranjit Singh as per the statement of the IO and he has appeared before the Court to give his statement.*

3. *The case is pending for further investigation as the cancellation report was returned back by the Court.*

4. *The compromise is genuine, voluntarily made and out of the free will of the parties.*

5. *There is no other criminal case pending against the accused as per the statement of the IO.”*

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.84 dated 24.09.2012 under Section 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sudhar, District Ludhiana Rural, Annexure P-1, on the basis of compromise, Annexure P-2, arrived at between the parties, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

25.08.2021

Kamal

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