

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229-2

CRM-M No.12612 of 2021
Date of decision:28.09.2021

Birbal Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. G.S. Brar, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.256 dated 19.09.2020 under Sections 452, 323, 148, 149 IPC, 1860, {Sections 307 IPC; Sections 25 and 27 of Arms Act; and Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been deleted vide order dated 18.03.2021 passed by this Court}, Annexure P-1, at Police Station Gidderbaha, District Sri Muktsar Sahib, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 01.03.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners urges that FIR is an outcome of a petty dispute between the parties, which has been settled by virtue of compromise, Annexure P-2. He submits that compromise has been signed by the injured also. He further submits that the dispute between the parties is purely personal in nature and in pursuance to order dated 18.03.2021, parties have appeared before the trial court and recorded their statements in support of the compromise.

Heard.

Vide order dated 18.03.2021, 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-respondents No.2 to 4, the Sub Divisional Judicial Magistrate, Gidderbaha, has submitted a report, the relevant extract of which is as under:-

“None of the accused was declared as a proclaimed persons in this case by any Court nor any proceeding regarding proclamation are pending against any of accused in any case.

It is submitted that Randhir Singh aged about 54 years son of Ram Sawroop resident of near Gurudwara Sahib, Bharu, District Sri Muktsar Sahib is complainant in this case. There is two other injured namely Kanchan Bal (Bala) wife of Rajesh Kumar and Rajesh Kumar in the present case. Similarly no proceedings of proclamation is pending against said Randhir Singh.

It is further respectfully submitted that no any PO proceedings are pending against any of the party. Statement of SI Ramanjeet Kaur has been recorded to that effect.

It is further respectfully submitted that I have also personally inquired from the parties regarding the compromise between them to which they stated that they have voluntarily entered into compromise with each other and there is no pressure, coercion and undue influence.

It is further respectfully submitted that the compromise between the parties have been arrived voluntarily and the same is genuine and without any pressure or coercion and undue influence. It is further submitted that challan in present (case) has not been presented. ”

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, has 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.256 dated 19.09.2020 under Sections 452, 323, 148, 149 IPC, 1860, {Sections 307 IPC; Sections 25 and 27 of Arms Act; and Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been deleted vide order dated 18.03.2021 passed by this Court} Annexure P-1, at Police Station Gidderbaha, District Sri Muktsar Sahib and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

28.09.2021
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(SUVIR SEHGAL)
JUDGE

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