IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

248 **CRM-M-13312 of 2021**
Date of decision:04.10.2021

Munish Gupta ... Petitioner

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Ruchi Sekhri, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

While issuing notice of motion, this Court passed the following order on 23.03.2021:-

"This is a petition under Section 482 Cr.P.C. for quashing of FIR No.41 dated 01.03.2020 under Sections 120-B, 419, 467, 468 and 471 IPC, registered at Police Station Sahnewal, District Police Commissionerate Ludhiana, and all other consequential proceedings arising therefrom, on the basis of compromise dated 01.03.2021 (Annexure P/2) arrived at between petitioner and respondent No.2.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Addl.

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A.G.,Punjabs, accepts notice on behalf of respondent No.1-State and seeks time to place on record report, if any. At this juncture, Ms. Ruchi Sekhri, Advocate has put in appearance and filed Power of Attorney on behalf of respondent No.2. Complete copies of paper book be supplied to them during course of the day.

Learned counsel for respondent No.2 has given concurrence to the factum of compromise Annexure P/2.

Let the parties appear before the Trial Court/Area Magistrate, as the case may be, on 19.04.2021 or any other date to be fixed by Trial Court/ Area Magistrate for getting their statements recorded with regard to the compromise. Court is directed to report on the following points:-

(i) how many total accused are facing the trial,

(ii) whether any of the accused was declared proclaimed offender at any stage of trial,

(iii) status/stage of the trial/case,

(iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.

(v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.

Report be sent through District and Sessions Judge, before the next date of hearing.

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Adjourned to 03.05.2021."

Report dated 30.04.2021 was received from the trial Court with the statement of Investigating Officer. This Court by order dated 20.08.2021 directed the parties to appear before the trial Court and get their statements recorded with regard to the compromise.

In compliance thereto, report from the trial Court has been received, relevant extract of which is as under:-

> *"4. It is respectfully submitted that in view of the statements suffered by complainant Amarjit Kaur and accused Munish Gupta, the matter has been compromised between them with the intervention of respectable persons of the locality, out of their free Will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter. The copies of statements of complainant Amarjit Kaur, Sh. Sukhwinder Singh Rai, Adv. Counsel for the complainant, Amarjit Kaur, accused Munish Gupta and screen shot of video conference call with complainant Amarjit Kaur are enclosed herewith."*

By making a reference to the report dated 30.04.2021 sent by the trial Court, counsel for the petitioner submits that Investigating Officer, who had appeared before the trial Court on 27.04.2021, had made a statement that none of the three accused including Munish Gupta (petitioner in the present case) have been declared as Proclaimed Offender and the FIR is under investigation.

Supreme Court in ***Gian Singh Versus State of Punjab and***

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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.41 dated 01.03.2020 registered under Sections 419, 467, 468, 471, 120-B of Indian Penal Code, 1860 at Police Station Sahnewal, District Police Commissionerate Ludhiana (Annexure P-1) is quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

October 04, 2021
savita

Whether Speaking/Reasoned	*Yes*
Whether Reportable	*Yes*

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