

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

229-1

CRM-M No.14183 of 2021

Date of decision:28.09.2021

Randhir Singh and others

... Petitioners

Vs.

State of Punjab and another

... 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)

Amended petition has been filed by counsel for the petitioner in compliance of order dated 18.08.2021. The same is taken on record.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of DDR No.35 dated 19.09.2020 under Sections 324 and 34 IPC in 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 in the connected case i.e. CRM-M-12612 of 2021} Annexure P-1, at Police Station Gidderbaha, District Sri Muktsar Sahib, alongwith all subsequent proceedings arising therefrom, on the basis of compromise arrived at between the parties.

Counsel for the petitioners submits that DDR is an outcome of a petty dispute between the parties, which has been settled by virtue of compromise, Annexure P-2. He further submits that the dispute between the parties is purely personal in nature and in pursuance to order dated 31.03.2021, parties have appeared before the trial court and recorded their statements in support of the compromise.

Heard.

Vide order dated 31.03.2021, 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, 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 Birbal Singh aged about 59 years, son of Sadhu Singh resident of village Bharu, near New Grain Market, District Sri Muktsar Sahib is complainant in this case. There is no other complainant or injured in the present case. Similarly no proceedings of proclamation is pending against said Birbal Singh.

It is further respectfully submitted that no 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 in present case there are total above said four accused except Kanchan Bala arrayed in the present DDR/FIR.

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 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. DDR No.35 dated 19.09.2020 under Sections 324 and 34 IPC in 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 in the connected case i.e. CRM-M-12612 of 2021} 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*sheetal***(SUVIR SEHGAL)
JUDGE**

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