

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(245-2)

CRM-M-13883-2021

Date of Decision: 19.04.2021

Parmjit Singh and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunil Agnihotri, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vishal Munjal, Advocate
for respondents No.2 and 3.

...

SUVIR SEHGAL, J. (Oral)

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

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of the FIR No.45 dated 01.05.2020 under Sections 452, 324, 323, 148 and 149 of the Indian Penal Code, 1860, Sections 325 and 326 were added later on, vide DDR No.26 dated 08.05.2020, registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1) on the basis of compromise dated 01.07.2020 (Annexure P-2), arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners submits that complainant-respondent No.2 is the husband of Paramjit Kaur, and the FIR (Annexure P-1) is a result of marital dispute between the husband and wife. Petitioner No.1 is the brother and petitioner No.2 is a relative of Paramjit Kaur. He submits that the differences between the couple have been resolved, a compromise (Annexure P-2) has been effected and both of them are residing together under one roof.

Vide order dated 26.03.2021, 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 both the private respondents, the Judicial Magistrate 1st Class, Gurdaspur, has submitted the report, relevant extract of which is as under:-

“It is further submitted that from the statement of the parties and investigating officer, it appears that there are two accused persons in the present case and none of accused persons were declared proclaimed person in above noted FIR, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that the accused persons are not involved in any other FIR and further no other criminal proceeding is pending between accused persons with the complainants/respondents at Police Station Bhaini Mian Khan. The statement of Investigation Officer with regard to the above notice facts has been recorded.”

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.45 dated 01.05.2020 under Sections 452, 324, 323, 148 and 149 of the Indian Penal Code, 1860, Sections 325 and 326 were added later on, vide DDR No.26 dated 08.05.2020, registered at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1), and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

19.04.2021
Kamal

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