

**CRM No.32762 of 2021 in/and
CRM-M-15064 of 2021**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.32762 of 2021 in/and
CRM-M-15064 of 2021
Date of decision:06.10.2021**

Inderjit Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikasdeep Singh, Advocate
for the applicant-petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Vikas Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.32762 of 2021

Prayer in the application is for preponement of the main case
which is fixed for hearing on 09.12.2021.

Notice of the application to the non-applicant/respondents.

On asking of the Court, Mr. Rana Harjasdeep Singh, Deputy
Advocate General, Punjab accepts notice on behalf of the non-applicant/
respondent No.1-State. Mr. Vikas Gupta, Advocate accepts notice on behalf
of the non-applicant/respondent No.2. They do not have any objection in

case the prayer made in the application is acceded to.

Application is allowed. Hearing of the main case is preponed to today and is taken up on Board for hearing today itself.

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While issuing notice of motion, this Court passed the following order on 07.04.2021:-

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

Instant second petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No. 306 dated 22.10.2019 under Section 379-B of Indian Penal Code, 1860, registered at Police Station City, Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise dated 17.03.2021 (Annexure P-2).

Counsel for the petitioners submits that the first petition (CRMM-14045-2021) was withdrawn on 26.03.2021 with liberty to file a fresh one with better particulars as there were some typographical errors. Counsel has urged that the petitioners have been wrongly framed in the FIR as the allegations in the complaint, submitted by respondent No.2, are of alleged snatching by some unknown person. Counsel has referred to para 8 of the petition to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Amar Ashok Pathak, Additional Advocate General, Punjab accepts notice on behalf of State-respondent No.1. Mr. Vikas Gupta, 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 05.05.2021 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 07.09.2021.”

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

- “1. There are two accused persons and both were present in the Court with their defence counsel for statement.*
- 2. The name of complainant is Pooja Malhotra, who appeared and made her statement voluntarily for compromise with accused persons.*
- 3. The charge in this case has been framed against accused persons on 28.01.2021, under Sections 379-B, 411, 34 IPC, and prosecution witnesses are yet to be examined.*
- 4. From the statements of the parties, it appears that the compromise is genuine, voluntary and out of free will of the parties.*
- 5. Report of learned Public Prosecutor was sought vide which no other case is pending against accused persons.”*

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.306 dated 22.10.2019 registered under Section 379-B of Indian Penal Code, 1860, at Police Station City, Kapurthala and all subsequent proceedings arising therefrom on the basis of compromise dated 17.03.2021 (Annexure P-2) are quashed qua the petitioners.

October 06, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes