

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CRM-M-17023-2021 (O&M)
Date of Decision: 01.11.2021

Rahul

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vishal Nehra, Advocate
for the applicant-petitioner.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-36425-2021

Prayer in the application is for preponement of the hearing of main case, which is fixed for 08.02.2022.

Noticing the prayer made in the application, it is allowed. The hearing of the main case is preponed to today and it is ordered to be taken on Board.

CRM-M-17023-2021

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.76 dated 07.03.2021, registered for offences under Sections 379 and 420 of the Indian Penal Code, 1860, at Police Station Sadar Gohana, District Sonapat (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.04.2021 (Annexure P-2).

Counsel for the petitioner submits that the FIR is an outcome of misunderstanding between the parties, which has been sorted out by virtue of compromise (Annexure P-2). He submits that neither the petitioner has been declared as proclaimed offender, nor he has been involved in any other criminal case and parties have appeared before the trial Court in compliance of the order dated 23.04.2021 passed by this Court and their statements have been recorded.

Heard.

On 23.04.2021, this Court passed the following order:-

“Case taken up through video conferencing.

Petitioner – Rahul, an accused in FIR No. 76, dated 7.3.2021 for offences under Sections 379, 420 IPC, registered at Police Station Sadar Gohana, District Sonapat, has approached this Court by way of filing the present petition under Section 482 Cr.P.C., for quashing of the abovesaid FIR on the basis of compromise dated 5.4.2021 Annexure P-3, stated to have arrived at between him and complainant Samundra Singh, arrayed as respondent No.2. Learned counsel for the petitioner has stated that he is the only accused in this case. He has joined the investigation and challan is yet to be filed in this case.

Notice of motion.

At this stage, Mr. Saurabh Girdhar, AAG

Haryana, has accepted notice on behalf of the State. Learned State counsel may file written response to the petition by the next date of hearing.

Mr.B.S. Bhana, Advocate has appeared on behalf of respondent No.2 -complainant. He admits the factum of compromise between the parties.

Under the circumstances, the parties are directed to appear before the Illaqa Magistrate/Duty Magistrate, Gohana, District Sonipat, within one month from today, so as to get their statements recorded regarding compromise. The Illaqa Magistrate/Duty Magistrate is to ensure that the statements of the complainant as well as accused, are recorded and then to report whether it has been so done voluntarily, without any threat or coercion. It be also reported whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by the next date of hearing, fixed as 22.7.2021.

The State counsel shall also get the genuineness of the compromise verified and inform the court in that regard.”

After recording the statements, the trial Court has submitted a report, the relevant extract of which is as under:-

“Complying with the order dated 23.04.2021, passed by Hon'ble Punjab and Haryana High Court, it is humbly submitted that on 18.05.2021 an application for recording statements of parties was moved by complainant Samunder and accused Rahul jointly. Complainant and accused appeared before this Court and they suffered their statements in support of the compromise. They stated that they compromised the matter with mutual consent and without any pressure. They also stated that they made the statements without any force and the statements given by them were voluntary. In view of the statements of the parties, this Court is satisfied that the compromise between the parties is genuine, it was voluntarily effected out of free will of the parties and there is no element of fraud, pressure, fear or undue influence.

As per the statement of investigating officer ASI Satbir Singh, no proclamation proceedings against any of the parties is pending.

Copies of order dated 18.05.2021 and 19.05.2021 passed by this Court, statements of accused Rahul, complainant Samunder and investigating Officer ASI Satbir Singh, in original are appended herewith.”

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.76 dated 07.03.2021, registered for offences under Sections 379 and 420 of the Indian Penal Code, 1860, at Police Station Sadar Gohana, District Sonapat (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

01.11.2021

Pardeep

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes