

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248-A

CRM-M-17045 of 2021
Date of decision:04.10.2021

Anmol Chopra and another

... Petitioners

Vs.

State of Punjab and another

... 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 20.08.2021:-

*“Case has been taken up for hearing through Video
Conferencing.*

*This is a petition under Section 482 Cr.P.C. seeking
quashing of FIR No.41 dated 01.03.2020 under Sections 120-B,
419, 467, 468 and 471 IPC, registered at Police Station
Sahnawal, 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 petitioners and respondent No.2.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Addl. A.G., Punjab, 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 on behalf of respondent No.2. Complete copies of paperbook be supplied to them during course of the day.

Learned counsel for respondent No.2 has given concurrence to the factum of compromise. She further submits that since respondent No.2-Amarjit Kaur (complainant) is senior citizen aged 70 years and suffering from various ailments, her statement may be recorded through Video Conferencing.

Let the parties appear before the trial Court/Area Magistrate, as the case may be, on 01.09.2021 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.

(vi) to record statement of respondent No.2/complainant through Video Conferencing.

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

Adjourned to 04.10.2021.”

In compliance thereto, the trial Court after recording the statements of the complainant, accused and investigating officer has submitted a report, relevant extract of which is as under:-

“3. It is respectfully submitted that Investigating Officer SI Harpal Singh No.1024/Ldh.P.S.Sahnewal, Ludhiana has suffered statement that the present FIR No.41 dated 01.03.2020, under Sections 419, 467, 468, 471, 120-B of IPC, Police Station Sahnewal, Ludhiana, was got registered by complainant Amarjit Kaur against three accused persons only namely Munish Gupta, Anmol Chopra and Navdeep Singh Arora. He has further stated that as per record, in the present matter, neither any accused has been declared as proclaimed offender nor any proclamation proceedings are pending against any of the accused. As per the statement of

Investigating Officer, in the present matter, challan/report under Section 173(2) Cr.P.C has not been presented before the Court till date and the matter is fixed for investigation of the case.

4. It is further respectfully submitted that in view of the statements suffered by complainant Amarjit Kaur and accused persons namely Anmol Chopra and Navdeep Singh Arora, 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. Complainant Amarjit Kaur suffered statement that she has got no objection in case present FIR alongwith subsequent proceedings are quashed against all the accused. The copies of statements of complainant Amarjit Kaur, Sh.Sukhwinder Singh Rai, Adv. Counsel for the complainant Amarjit Kaur, accused Anmol Chopra, accused Navdeep Singh Arora and screen shot of video conference call with complainant Amarjit Kaur are enclosed 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.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 petitioners.

October 04, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes