

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

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CRM-M-26943-2020

Date of decision: 06.04.2021

Palwinder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinod K. Kaushal, Advocate for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Parshant Vashisht, 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 for quashing of FIR No.36 dated 16.03.2020, registered under Sections 341, 452, 323, 324, 148, 149 of Indian Penal Code, 1860 (offences under Section 326, 382 of IPC were added later on) at Police Station Jandiala, District Amritsar Rural, Amritsar, Annexure P-1, on the basis of compromise deed, dated 08.05.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

On 09.09.2020, this Court passed the following order:-

“Matter has been taken up through Video

Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.36, dated 16.03.2020, under Sections 341/452/323/324/148/149 IPC (Sections 326/382 IPC added later on), registered at Police Station Jandiala, District Amritsar Rural, Amritsar on the basis of compromise which as per counsel has been entered into between the parties.

Counsel submits that the dispute/occurrence had arisen on account of a petty issue of parking of a jeep in a street. During the course of investigation itself, a compromise has been effected with the intervention of the elders and respectables. It is urged that under such circumstances, continuation of criminal prosecution on the basis of impugned FIR would be an abuse of the process of law.

Notice of motion, returnable for 07.12.2020.

Mr. A.S. Sandhu, learned Additional Advocate General, Punjab accepts notice on behalf of respondent No.1.

Mr. Parshant Vashisht, Advocate has joined proceedings and accepts notice on behalf of respondents No.2 and 3 (complainant party) and concedes to the factum of a compromise having been effected.

In the meanwhile, parties are directed to appear before the Illaqa Magistrate concerned for recording of their statements in support of the compromise.

Report in such regard be submitted on or before the adjourned date.”

In compliance of the order dated 09.09.2020, report of the Judicial Magistrate Ist Class, Amritsar has been received, which is reproduced as under:

“Pursuant to the order dated 09.09.2020 passed by the Hon'ble High Court in CRM-M-26943 of 2020 (O&M), report is hereby submitted to the effect that the statements of complainant namely Navdeep Singh and Balbir Singh and accused namely Palwinder Singh, Lovepreet Singh, Ravinder Singh @ Arwinder Singh @ Happy and Suba Singh have been recorded in case bearing FIR No.36 dated 16.03.2020, under Sections 341, 452, 323, 324, 148, 149 of IPC and offences U/s 326, 382 of IPC, Police Station Jandiala, Amritsar. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any pressure, undue influence or coercion. ”

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 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving noncompoundable offences.

Counsel for the parties are also *ad idem* that on the basis 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.36 dated 16.03.2020, registered under Sections 341, 452, 323, 324, 148, 149 of Indian Penal Code, 1860 (offences under Section 326, 382 of IPC were added later on) at Police Station Jandiala, District Amritsar Rural, Amritsar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

06.04.2021
pooja saini

(SUVIR SEHGAL)
JUDGE

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