

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

234

CRM-M-1813-2021 (O&M)

Date of decision: 25.03.2021

Sandeep and others

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sardavinder Goyal, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Saurabh Arora, Advocate for respondent No.2.

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.165 dated 20.06.2020, registered under Sections 148, 149, 323, 354, 452 of Indian Penal Code, 1860 at Police Station Sector 13/17 Panipat, District Panipat, Haryana, Annexure P-1, on the basis of compromise, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

By making a reference to sub-para (v) of para 2 of the reply filed by way of affidavit of Deputy Superintendent of Police, Crime Against Women, Panipat, State counsel submits that offence under Section 354 IPC

has been deleted on 01.07.2020.

Vide order dated 14.01.2021, 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 complainant-private respondent No.2, the Judicial Magistrate Ist Class, Panipat, has submitted the report, the relevant extract of which is as under:

“The information as sought by the Hon'ble High Court is also submitted here as under:

- 1. Yes, the compromise arrived at between the complainant and the above named accused persons is genuine, voluntary and without any coercion or undue influence.*
- 2. As per the statement of I.O./H.C. Saroj, no accused is Proclaimed Offender in the present FIR.”*

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.165 dated 20.06.2020, registered under Sections 148, 149, 323, 354, 452 of Indian Penal Code, 1860 at Police Station Sector 13/17 Panipat, District Panipat, Haryana, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

25.03.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

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