

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205-1)

Harjinder Kumar and others

CRM-M-39410-2018
Date of Decision:- 22.09.2021
...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jitender Singh Dadwal, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab for respondent No.1.

Mr. Sanjeev Kumar, Advocate for respondent No.2.

...
SUVIR SEHGAL, J. (Oral)

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

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure for quashing of FIR No.48 dated 20.07.2018 under
Sections 323, 452, 506 and 34 of the Indian Penal Code, 1860, registered at
Police Station Behram, District SBS Nagar (Nawanshahr), Annexure P-1,
along with all subsequent proceedings arising therefrom, on the basis of
compromise, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the complainant and the
accused-petitioners are closely related to each other and the FIR is an
outcome of a petty dispute between the parties, which has been settled on

the intervention of the respectables and family friends, by virtue of compromise, Annexure P-2. He submits that the parties have appeared before the trial Court and got recorded their statements in support of the compromise.

While issuing notice of motion, this Court passed the following order on 10.09.2018:-

“Heard.

Learned counsel for the petitioners submits that the matter has since been amicably settled vide compromise by way of affidavit of respondent No.2, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Ms. Vibha, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney.

Parties may appear before concerned Illaqa/Duty Magistrate on 22.10.2018 or on any other date convenient to Illaqa/Duty Magistrate and get their statements recorded with regard to the compromise. The original compromise shall be produced before Illaqa/Duty Magistrate. In the event of their statements being recorded, Illaqa/Duty Magistrate will send copies of the same to this Court with its report:

(i) regarding genuineness and voluntary nature of the compromise;

(ii) whether all the accused/petitioners are appearing before the Court or are on bail; and

(iii) whether any other proceeding is pending against the accused/petitioners.

Report be awaited for 06.12.2018.”

In compliance of the said order, after recording the statements of the parties and calling for requisite information from the SHO, Police Station Behram, a report has been submitted by the trial Court, the relevant extract of which is as under:-

*“(i) There are three accused in the instant FIR.
(ii) None of the accused is P.O.
(iii) None of the accused appeared before this Court and challan is yet to be presented before the Court.
(iv) As per the statements so recorded by both sides, it can be deducted that the compromise is genuine, voluntary, without any coercion and without any undue influence and the same has been effected with the free will and consent of the parties. They have been identified by their respective counsels.”*

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 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.48 dated 20.07.2018 under Sections 323, 452, 506 and 34 of the Indian Penal Code, 1860, registered at Police Station Behram, District SBS Nagar (Nawanshahr), Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

22.09.2021
Kamal

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