

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-25865 of 2021
Date of decision:09.11.2021

Jagseer Khan and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sukhjit Singh, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms. Arshdeep Kaur, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0078 dated 17.12.2020 (Annexure P-1) registered under Sections 354A(1)(i), 354A(1)(ii), 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Police Commissionerate Ludhiana, (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 21.06.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband of the complainant/respondent No.2 and petitioners No.2 and 3 are her in-laws. According to the counsel, FIR (Annexure P-1) is a result of

bitterness and acrimony between the parties and the serious allegations have been levelled against the petitioners, which are totally false, as the sole attempt of the complainant/respondent No.2 was to entangle, her husband and in-laws in a criminal case. He submits that the dispute between the parties has been settled by virtue of compromise dated 21.06.2021 (Annexure P-2) and as per the terms of the compromise, not only the amount of Rs.2.5 lakh has been paid to the complainant, the parties have even divorced each other. He submits that in terms of the order passed by this Court on 29.07.2021, the parties have appeared before the trial Court and their statements have been recorded in support of the compromise.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and also the fact that entire alimony amount has been received by her.

Heard.

In compliance of the order dated 29.07.2021, report has been received from the trial Court, which is reproduced as under:-

“I have the honour to submit that in pursuance of order dated 29.07.2021 passed in CRM-21717 of 2021 in CRM-M-25865 of 2021, the Hon'ble Punjab & Haryana High Court has directed to this Court to record the statements of the parties to verify the genuineness of the compromise between them, and sent (sic to send) the report on or before 09.09.2021.

Accordingly, the statements of accused/petitioners, Jagseer Khan aged about 32 years son of Atma Khan, Atma

Khan aged about 66 years son of Bhag Din and Pritam Bibi aged about 71 years wife of Atma Khan, all R/o Village Dehrka Tehsil Jagraon, District Ludhiana and complainant/respondent Razia Bibi daughter of Sh. Gianjeet R/o Quarter No.507, Jamalpur Colony, Chandigarh Road, Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per statement of the Investigating Officer and report of the concerned Ahlmad, no PO proceedings are pending against any of the party.

The statement of the complainant alongwith statements of accused are being sent with this report for your's Honours kind perusal.”

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.0078 dated 17.12.2020 (Annexure P-1) registered under Sections 354A(1)(i), 354A(1)(ii), 406, 498-A of Indian Penal Code, 1860 at Police Station Women, District Police Commissionerate Ludhiana (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

November 09, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes