

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

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CRM-M-26173-2021

Date of decision:08.10.2021

Gurnam Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Maninder Singh Bajwa, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. J.S. Mahal, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of DDR No.26 dated 26.05.2021 under Sections 342, 323, 506, 148, 149 IPC, 1860, Annexure P-1, in FIR No.33 dated 25.05.2021 under Sections 324, 323, 341, 34 IPC at Police Station Khemkaran, District Tarn Taran, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 24.06.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that DDR, Annexure P-1, is a result of minor altercation between the parties, which has been settled by virtue of compromise, Annexure P-2. He submits that in pursuance of order passed by this Court on 24.08.2021, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Heard.

On 24.08.2021, a Co-ordinate Bench of this Court passed the following order in the main case:-

“The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of DDR No. 026 dated 26.05.2021 registered under Sections 342, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') in FIR No.33 dated 25.05.2021 registered under Sections 324, 323, 341 and 34 of the IPC at Police Station Khemkaran, District Tarn Taran and all subsequent proceedings arising therefrom on the basis of compromise dated 24.06.2021 effected between the parties.

Notice of Motion.

Pursuant to supply of advance copy of the petition, Mr. P.S. Walia, Asstt. A.G. Punjab, has appeared and accepted notice on behalf of respondents No.1-State.

Mr. J.S. Mahal, Advocate has appeared on behalf of respondents No.2 and 3 and he undertakes to file his power of attorney in the Registry.

Learned Counsel for respondents No.2 and 3 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 31.08.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing-28.09.2021 containing the following information :-

1. Number of persons arrayed as accused in FIR.

2. Whether any accused is proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

5. Current stage of the case.

The trial Court/Illaq Magistrate is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

The trial Court/Illaq Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

Reply by respondent No.1-State be filed on the date of hearing fixed, if so desired.”

After recording the statements of the parties and the Investigating Officer, Sub Divisional Judicial Magistrate, Patti, has submitted a report, the relevant extract of which is as under:-

“From the statement of the parties, I am satisfied that a valid and genuine compromise has been effected between the parties as per their statements recorded in the Court. The aforesaid compromise appears to be genuine one and the same has been entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind. So, I am satisfied that the compromise arrived between the parties who appeared before the undersigned for recording their statements, is genuine and valid one.

As per statement of ASI Sawinder Pal Singh No.641/now posted at P.S. Khem Karan, District Tarn Taran, Investigating Officer of the case DDR No.26 dated 26.05.2021 in FIR No.33 dated 25.05.2021 was registered against total of ten accused, who are petitioners before the Hon’ble Punjab and Haryana High Court. None of accused has been declared proclaimed offender till date. Accused persons are not involved in any other case. There is one complainant in the present case namely Gurnam Singh, who is respondent No.2 before the Hon’ble Punjab & Haryana High Court and one victim i.e. Jaswant Singh, who is respondent No.3 before the Hon’ble Punjab & Haryana High Court. The present case was pending at the stage of investigation.”

Though, vide order dated 24.08.2021, State has been given an opportunity to file reply yet none has been filed.

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.

In **Ramgopal and another Versus The State of Madhya Pradesh** 2021 SCC Online 834, Hon'ble Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

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. DDR No.26 dated 26.05.2021 under Sections 342, 323, 506, 148, 149 IPC, 1860, Annexure P-1, in FIR No.33 dated 25.05.2021 under Sections 324, 323, 341, 34 IPC at Police Station Khemkaran, District Tarn Taran, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

08.10.2021

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(SUVIR SEHGAL)
JUDGE

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