

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

223

CRM-M-25219-2020

Date of decision: 05.04.2021

Labh Singh @ Kaka and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.K.Saini, Advocate for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Pranjal P. Chaudhary, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

CRM-10411-2021

Application is allowed.

Amended petition is taken on record.

Main case.

The instant petition has been filed for quashing of FIR No.111 dated 28.05.2020, registered under Sections 406, 420, 370, 120-B of Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983 at Police Station Shahzadpur, District Ambala, Annexure P-1, on the basis of compromise

deed, dated 19.06.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 06.10.2020, 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 respondents No.2 and 3, the Judicial Magistrate Ist Class, Naraingarh, has submitted the report, the relevant extract of which is as under:

“In view of the statement of the complainant Dimple and Mandeep and the accused persons, this Court is of the opinion that the complainant has entered into the compromise with the accused voluntarily and without any pressure, threat, coercion or undue influence. Photocopy of compromise Ex.C1 is also placed on record. It is further submitted that no order declaring any accused as proclaimed offender has been passed by this Court in the present case and no application has been moved by the prosecution for issuance of proclamation of accused and therefore, no accused person has been declared as proclaimed offender in this case. As desired, the report regarding the compromise along with statements in original and copy of compromise Ex.C1 (Enclosed) are submitted, please.”

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.111 dated 28.05.2020, registered under Sections 406, 420, 370, 120-B of Indian Penal Code, 1860 and Section 24 of Emigration Act, 1983 at Police Station Shahzadpur, District Ambala, Annexure P-1 and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

05.04.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

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