

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-31248 of 2021
Date of decision:16.11.2021

Kirpal Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Aayush Gupta, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Rishab Garg, Advocate for
Mr. Devinder Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of FIR No.0075 dated 09.03.2018 registered under Section 354-A of Indian Penal Code, 1860 at Police Station Division 5, District Police Commissionerate Ludhiana (Annexure P-1), alongwith all other consequential proceedings arising therefrom, on the basis of panchayati compromise dated 19.04.2021 (Annexure P-2) entered into between the parties.

Counsel for the petitioners urges that FIR is an outcome of monetary dispute between the parties as the complainant-respondent No.2 has alleged that some money was due from the accused petitioners and when she asked the accused for her money, they indulged in obscene

activities. It has been argued that allegations are totally false, a panchayati compromise (Anneuxre P-2) has been entered into between the parties and pursuant to the order passed by this Court on 06.08.2021, the parties have appeared before the trial Court and their statements have been recorded, in support of the compromise. Still further, he submits that in terms of the compromise, a sum of Rs.1.40 lakh has been paid to the complainant.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise between the parties as well as the receipt of the amount of Rs.1.40 lakh.

Heard.

Vide order dated 06.08.2021, this Court directed the trial Court/Illaq Magistrate to submit a report, after recording the statements of the parties, regarding genuineness of the compromise and as to whether any PO proceedings are pending against any of the them. Report has been received and the relevant extract thereof, is reproduced as under:-

“3. Upon perusal of compromise Ex.Cx and as per the above referred statements, this Court is of the view that compromise effected between the parties is genuine and no PO proceedings are pending against any of the party.”

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. In **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146**, Supreme Court has held that Section 320, Cr.P.C is not an embargo against invoking inherent powers by the High Court under Section 482, Cr.P.C.

From the factual matrix noticed above, it is apparent that the dispute between the parties has arisen on account of financial transactions as there is a reference of pendency of a complaint under Section 138 of the Negotiable Instruments Act, 1881, in the compromise (Annexure P-2). The dispute being purely personal in nature, has been amicably settled, vide compromise, which has been reported to have been entered into voluntarily, therefore, FIR (Annexure P-1) deserved to be quashed.

Counsel for the parties are also unanimous that no purpose would be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0075 dated 09.03.2018 registered under Section 354-A of Indian Penal Code, 1860 at Police Station Division 5, District Police Commissionerate Ludhiana (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

November 16, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes