

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

234

CRM-M-26605-2020

Date of decision: 24.02.2021

Harmeet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Dheeraj Mahajan, Advocate, for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Sheoran Kamboj, Advocate for
Mr. Randeep Singh, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

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

The instant petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.45 dated 29.03.2016, registered under Sections 406, 34 of Indian Penal Code, 1860, at Police Station Phase 1, District SAS Nagar, on the basis of compromise deed, Annexure P-5 arrived at between the parties alongwith all subsequent proceedings arising therefrom and for quashing of order dated 21.11.2016, Annexure P-2, passed by CJM, Mohali, declaring the petitioner as 'proclaimed person/absconder'.

Vide order dated 04.11.2020, 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-petitioner and complainant-private respondent, the Chief Judicial Magistrate, SAS Nagar, Mohali has submitted the report, the relevant extract of which is as under:

“1. As per the statement of accused, the above-said FIR was registered against him and the co-accused Baj Singh and accused Baj Singh has been declared PO on 21.11.2016.

2. Complainant/aggrieved Rajeev Kumar has appeared and made his statement in support of the compromise.

3. As per report of Ahlmad, stage of trial/proceedings is awaiting challan.

4. As per the statement of parties, compromise appears to be genuine, voluntary and out of free will of the parties.”

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 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.

Insofar as impugned order dated 21.11.2016, Annexure P-2, whereby the petitioner has been declared as 'Proclaimed person/absconder' is concerned, suffice is to say that objective of initiating proceedings under Section 82 of the Code of Criminal Procedure is to secure the presence of the accused before the trial Court. From perusal of the zimni orders dated 07.10.2020 and 28.10.2020, Annexures P-7 and P-8, passed by the trial Court, it is apparent that the petitioner has submitted to the jurisdiction of the trial Court and has been released on bail. The purpose for which the provision has been incorporated stands achieved. The impugned order Annexure P-2, therefore, deserves to be set aside.

Accordingly, the petition is allowed. FIR No.45 dated 29.03.2016, registered under Sections 406, 34 of Indian Penal Code, 1860, at Police Station Phase 1, District SAS Nagar as well as order dated 21.11.2016, Annexure P-2, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

24.02.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

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

