

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(116)

CRM-M-28359-2020 (O&M)

Date of Decision:- 25.08.2021

Karamjit Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Umesh Aggarwal, Advocate
for the applicants-petitioners.

...
SUVIR SEHGAL, J. (Oral)

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

CRM-25832-2021

Prayer in the application is for preponing of the hearing of main case,
which is fixed for 17.11.2021.

Notice of the application.

On asking of the Court, Mr. Amar Ashok Pathak, Addl. Advocate
General, Punjab accepts notice on behalf of the State-respondent No.1 and
Mr. Chetan Bansal, Advocate accepts notice on behalf of the respondents
No.2 and 3. They do not have any objection in case the prayer is acceded
to.

Application is allowed. The hearing of the main case is preponed
to today and is taken on Board.

CRM-M-28359-2020

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.179 dated 18.07.2020 under Sections 419, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1908, registered at Police Station Civil Lines, Amritsar (Annexure P-1) on the basis of compromise and affidavits, Annexure P-2 to P-4, arrived at between the parties, along with all subsequent proceedings arising therefrom.

Counsel for the petitioner has contended that there was some financial dispute between the petitioners and the private complainants, which has been settled by a virtue of compromise, Annexure P-2.

Vide order dated 26.02.2021, 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, complainant-respondent and the Investigating Officer, the Chief Judicial Magistrate, Amritsar has submitted a report, relevant extract of which is as under:-

“1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in this case.

Three accused namely Karamjit Singh, Sukhwant Kaur @ Satya Devi and Kuldip Singh are arraigned in the FIR and all of them have made statements. As per statement of investigating officer, no accused is absconding/P.O. in this case.

2. The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise.

There are two aggrieved persons namely Gurjit Singh complainant and Sukhdeep Kaur and they both have

appeared to record their statements in support of the compromise.

3. *The stage of the trial/proceedings.*

As per statement of investigating officer, investigation of this case is still pending and final report has not been presented in the Court so far.

4. *If the compromise is genuine, voluntary and out of free will of the parties.*

From the statements of the petitioners/accused and the complainant/respondents, this Court is of the opinion that their compromise is genuine, voluntary and out of free will of the parties.

5. *Whether any other criminal case is pending against the accused.*

As per statement of investigating officer, no criminal case is pending against the accused except the present case.”

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 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.179 dated 18.07.2020 under Sections 419, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1908, registered at Police Station Civil Lines, Amritsar (Annexure P-1) on the basis of compromise and affidavits, Annexure P-2 to P-4, arrived at between the parties, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

25.08.2021
Kamal

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