

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

237

CRM-M-28262-2020

Date of decision: 17.03.2021

Gurindra Partap Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. A.K.Maleri, Advocate for the petitioners.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Sahil Shori, 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 for quashing of FIR No.0125 dated 15.08.2020, registered under Sections 406, 420 and 120-B of Indian Penal Code, 1860 at Police Station Mataur, District SAS Nagar (Mohali), Annexure P-1, on the basis of compromise, dated 17.08.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 27.10.2020, 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 respondent, the Judicial Magistrate Ist Class, SAS Nagar, Mohali, has submitted the report, the relevant extract of which is as under:

“1. From the statements suffered by the complainant and accused person, the compromise arrived at between complainant Sahil Shori and accused Gurindra Partap Singh and Gurtej Partap Singh is genuine, voluntary and without any coercion or undue influence.

2. As per the status report of the investigation officer and the statement of the complainant, there are only two accused in the FIR, the names of both the accused are Gurindra Partap Singh and Gurtej Partap Singh.

3. Further, as per the status report of the investigating officer and the statement of the complainant, no accused is declared Proclaimed Offender.”

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.

Accordingly, the petition is allowed. FIR No.0125 dated 15.08.2020, registered under Sections 406, 420 and 120-B of Indian Penal Code, 1860 at Police Station Mataur, District SAS Nagar (Mohali), Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.03.2021

(SUVIR SEHGAL)
JUDGE

pooja saini

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