

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

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CRM-M-28881-2020

Date of decision: 08.04.2021

Baljit Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikasdeep Singh, Advocate for the petitioners.

Mr. P.S. Walia, AAG, Punjab.

Mr. Shubham Mehta, Advocate for
Mr. Vikas Gupta, Advocate
for respondents No.2 to 5.

SUVIR SEHGAL J. (ORAL)

The instant petition has been filed for quashing of FIR No.44 dated 27.05.2020, registered under Sections 323, 324, 148, 149 of Indian Penal Code, 1860 (Sections 326 and 308 of IPC were added later on vide Rapat No.16 dated 06.07.2020) at Police Station Kabirpur (AhliKalan), District Kapurthala, Annexure P-1, on the basis of compromise, dated 01.08.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioners has submitted that the FIR is the outcome of the dispute over the boundary of agricultural land. He contends

that the injuries have allegedly been inflicted on the non-vital parts of the complainant/injured and offence under Section 308, IPC is not made out.

Vide order dated 21.09.2020, 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 to 5, the Judicial Magistrate Ist Class, Sultanpur Lodhi, has submitted the report, the relevant extract of which is as under:

“Both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence. Gist of the statements is that deponents have no grudge or revenge with each other and they want to live peacefully to avoid untoward incident in the future.

It is further submitted that statement of Investigating Officer ASI Sukhwinder Singh also recorded and he stated that no other proceedings are pending between/against either of the parties and none of the criminal proceeding are pending between/against either of the parties. He further submitted that none of the accused in the present FIR number 44 dated 27.05.2020 declared as proclaimed offender and he further submitted that later on 03.06.2020 Under Section 308/325 of IPC (cross case) and on 06.07.2020 Under Section 308/326 of IPC added in present FIR 44 dated 27.05.2020”

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 petitioner and private respondents 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.44 dated 27.05.2020, registered under Sections 323, 324, 148, 149 of Indian Penal Code, 1860 (Sections 326 and 308 of IPC were added later on vide Rapat No.16 dated 06.07.2020) at Police Station Kabirpur (AhliKalan), District Kapurthala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

08.04.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

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