

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

230-2

CRM-M-31955-2020

Date of decision: 08.04.2021

Gurnishan Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Shubham Mehta, Advocate for
Mr. Vikas Gupta, Advocate for the petitioners.

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

Mr. Vikasdeep Singh, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

The instant petition has been filed for quashing of cross case vide DDR No.30 dated 27.05.2020, under Sections 323, 452, 148, 149 and 325, 308 (added later on vide Rapot No.24 dated 03.06.2020) of IPC, 1860, registered at Police Station Kabirpur, District Kapurthala (Annexure P-2), registered in FIR No.44 dated 27.05.2020, registered under Sections 323, 324, 148, 149 & 326, 308 of IPC (added later on vide Rapot 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-3, 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 12.10.2020, 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 respondents No.2 and 3, 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 Rapat number 30 dated 27.05.2020 declared as proclaimed offender and he further submitted that later on vide Rapat number 24 dated 03.06.2020 Under Section 308/325 of IPC added in 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 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. cross case vide DDR No.30 dated 27.05.2020, under Sections 323, 452, 148, 149 and 325, 308 (added later on vide Rapot No.24 dated 03.06.2020) of IPC, 1860, registered at Police Station Kabirpur, District Kapurthala (Annexure P-2), registered in FIR No.44 dated 27.05.2020, registered under Sections 323, 324, 148, 149 & 326, 308 of IPC (added later on vide Rapot No.16 dated 06.07.2020) at Police Station Kabirpur (AhliKalan), District Kapurthala, 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