

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

264

CRM-M-27582-2019

Date of decision:28.10.2021

Bhupiner Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. P.P.S. Duggal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Ms.Manpinder Kaur, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.43 dated 20.04.2017 under Section 420 IPC, 1860, registered at Police Station City Raikot, District Ludhiana, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise, arrived at between the parties.

Counsel for the petitioner submits that the FIR is a result of some misunderstanding between the parties, which has been resolved by virtue of compromise, which is reflected from affidavit dated 23.05.2019, Annexure P-2, executed by complainant-respondent No.2. He submits that initially the allegations were inquired into and the FIR was recommended to be cancelled. However, the trial Court did not accept the cancellation report and ordered further investigation and in the meantime, the compromise was effected between the parties. Counsel for the petitioner submits that though some other FIRs had also been registered against the petitioner but all have

been settled and the petitioner has not been declared as proclaimed offender. He submits that in pursuance to the order dated 17.12.2019 passed by this Court, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Heard.

In compliance of the order dated 17.12.2019 passed by this Court, the statements of the parties and the Investigating Officer have been recorded and a report has been submitted, the relevant extract of which is as under:-

“In compliance of the aforesaid order, separate statement of Santokh Gill complainant was recorded in the Court, wherein complainant has submitted that in the present FIR bearing No.43 dated 20.04.2017, under Section 420 of Indian Penal Code, Police Station City Raikot, District Ludhiana (Rural) was registered on the basis of his statement against accused Bhupinder Singh Grewal son of Shivtar Singh, resident of Green City Raikot, Tehsil Raikot, District Ludhiana. Now, with the intervention of the respectable persons, he has compromised the matter with the accused Singh Grewal and on the basis of compromise, CRM-M-27582 of 2019 has been filed. The said compromise is voluntarily, genuine and without any pressure. He has no objection if the quashing petition filed by the accused Bhupinder Singh is allowed. Similarly separate statement of accused/petitioner namely Bhupinder Singh was also recorded in this regard.

In view of the aforesaid statement this Court is of the considered opinion that the compromise is genuine, voluntarily and without any coercion or undue influence.”

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* has 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.43 dated 20.04.2017 under Section 420 IPC, 1860, registered at Police Station City Raikot, District Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

No costs.

28.10.2021

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(SUVIR SEHGAL)
JUDGE

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