

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

225

**CRM-M-30964-2020
Date of Decision:14.01.2021**

RISHI KAPOOR @ LUCKY AND ANR

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kunal Vinayak, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sachin Sharma, 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 under Section 482 of Cr.P.C. for quashing of FIR No.153 dated 13.05.2020 registered under Sections 341, 323, 324, 506 and 34 IPC, 1860, at Police Station Division A, Amritsar, Punjab, Annexure P-1, on the basis of compromise dated 21.08.2020, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 14.10.2020, 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, Amritsar, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Magistrate has further reported that none of the accused have been declared as Proclaimed Offender. It has further been reported

that petitioner No.1-Rishi Kapoor @ Lucky was involved in another criminal case i.e. FIR No.10 dated 13.01.2011 registered under Sections 341, 323, 324, 506, 148, 149 IPC, 1860, at Police Station A-Division, Amritsar, in which compromise was effected between the parties and he was acquitted by the Court of JMIC, Amritsar vide order dated 09.05.2012.

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. The 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.153 dated 13.05.2020 registered under Sections 341, 323, 324, 506 and 34 IPC, 1860, at Police Station Division A, Amritsar, Punjab, Annexure P-1,, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

14.01.2021

sheetal

(SUVIR SEHGAL)
JUDGE

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