

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

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CRM-M-32624-2020

Date of decision: 31.03.2021

Amrit Kumar and others

... Petitioners

Vs.

The State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Negi, Advocate for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Anil Bidhan, Advocate for respondents No.2 to 6.

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.0103 dated 29.08.2020, registered under Sections 452, 323, 324, 506, 148, 149 of Indian Penal Code, 1860 (Section 325 of IPC was added later on) at Police Station Khanauri, District Sangrur, Punjab, Annexure P-1, on the basis of compromise deed dated 03.10.2020, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 14.10.2020 and 13.01.2021, 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 No.2 to 6, the Sub-Divisional Judicial Magistrate, Moonak (Sangrur) has submitted the report, the relevant extract of which is as under:

- “1. The number of accused arrayed in the FIR is fifteen. All accused persons have appeared and joint statement of all accused has been recorded. None of the accused persons has absconded and as per statement of Investigating officer, none has been declared P.O. in this case.*
- 2. There are five persons who are complainant and injured persons. They all have appeared and have made their joint statement in support of compromise.*
- 3. This case is not pending in the court for any proceeding till date except the recording to statements of parties regarding quashing of FIR.*
- 4. As per the statements of parties, the compromise appears to be genuine, entered into voluntarily and out of free will of the parties.*
- 5. Neither parties nor Investigating Officer has given statement regarding any other criminal case pending against the accused. ”*

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 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.0103 dated 29.08.2020, registered under Sections 452, 323, 324, 506, 148, 149 of Indian Penal Code, 1860 (Section 325 of IPC was added later on) at Police Station Khanauri, District Sangrur, Punjab, Annexure P-1 and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

31.03.2021

pooja saini

(SUVIR SEHGAL)

JUDGE

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