

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

228

CRM-M-33036-2020

Date of Decision:17.02.2021

GURPREET SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amandeep Chhabra, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Kamal Narula, 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.105 dated 10.06.2020 registered under Sections 406, 498-A and 120-B IPC, 1860, at Police Station Kotbhai, District Sri Muktsar Sahib, Annexure P-1, on the basis of compromise/affidavit, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner has urged that the impugned FIR is an outcome of a marital discord between petitioner No.1 and daughter of complainant/respondent No.2, which has been settled by virtue of compromise/affidavit, dated 03.07.2020, Annexure P-2.

Vide order dated 15.10.2020, 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-respondent No.2, the Judicial Magistrate Ist Class, Gidderbaha, has

reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The Court has further reported that the accused-petitioners have not been declared as Proclaimed Offender and no other criminal case is pending against either of the parties.

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.105 dated 10.06.2020 registered under Sections 406, 498-A and 120-B IPC, 1860, at Police Station Kotbhai, District Sri Muktsar Sahib, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.02.2021
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(SUVIR SEHGAL)
JUDGE

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