

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33083 of 2020 (O&M)
Date of decision:19.04.2021

Sohit Sharma

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bharat Puri, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Pranav Handa, Advocate
for the complainant.

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.0145 dated 22.08.2020 (Annexure P-1) registered under Sections 294 and 500 of Indian Penal Code, 1860 at Police Station Division No.1, Jalandhar on the basis of compromise deed dated 29.09.2020 (Annexure P-2) arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that FIR is the outcome of private dispute between the parties, which has been settled.

Vide order dated 16.10.2020, 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-petitioner and complainant-respondent No.2, the Judicial Magistrate Ist Class, Jalandhar has submitted a report, relevant extract of which is as under:-

“4. In compliance to the order dated 16.10.2020 of Hon'ble Punjab and Haryana High Court, the point-wise report is as under:-

a) It is respectfully submitted that in view of the statements got recorded by the complainant and accused, this Court is satisfied that the compromise dated 29.09.2020 effected between them is genuine one, which is not the result of any pressure or coercion.

b) No other criminal case is pending between the parties except the present FIR.

c) No accused has ever been declared as Proclaimed Offender and no proclamation proceedings are pending against 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.0145 dated 22.08.2020 (Annexure P-1) registered under Sections 294 and 500 of Indian Penal Code, 1860 at Police Station Division No.1, Jalandhar and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)

JUDGE

April 19, 2021

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Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No