

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

227

CRM-M-33821-2020

Date of decision: 31.03.2021

Haramritpal Kaur and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. A.S.Gulati, Advocate for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Monty Goyal, 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 for quashing of FIR No.0052 dated 04.09.2019, registered under Sections 406, 420, 120-B of Indian Penal Code, 1860 at Police Station Sadar Kurali, District SAS Nagar, Mohali, Annexure P-1, on the basis of affidavit/compromise, Annexure P-2, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 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

trial Court.

After recording the statements of the accused-petitioners and complainant-private respondent No.2, the Judicial Magistrate Ist Class, Kharar, has submitted the report, the relevant extract of which is as under:

“1. As per the statements of the parties, Investigating Officer and as per FIR, the number of accused arraigned in the FIR is two i.e. Haramritpal Kaur and Harbhajan Singh (petitioners before Hon'ble High Court) and both of them have appeared before this Court and made statements regarding compromise. No accused person is absconding/P.O. in the case.

2. As per the statements of parties, Investigating Officer and as per FIR, the name of complainant is Varunpreet Kaur and she is the only complainant/injured/aggrieved person in present FIR and she has appeared and made her statement in support of compromise.

3. Report under Section 173 Cr.P.C. in present FIR has already been presented in the Court on 10.02.2021 in the absence of accused persons and now case is pending for 25.03.2021 for service of accused persons as notice to them was issued for date fixed.

4. As per statements of parties, the compromise effected between the parties appears to be genuine, voluntarily and out of free will of the parties and same is valid and is not the result of any pressure or coercion etc.

5. As per the statements of the parties as well as Investigating Officer, no other criminal case is pending against the accused persons or between 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. 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.0052 dated 04.09.2019, registered under Sections 406, 420, 120-B of Indian Penal Code, 1860 at Police Station Sadar Kurali, District SAS Nagar, Mohali 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