

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

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CRM-M-34226-2020 (O&M)
Date of decision: 09.02.2021

Gulzar Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Kulwant Singh Dhanora, Advocate, for the petitioners.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Naveen Siwach, Advocate for respondents No.2 and 3.

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.0514 dated 16.09.2018 (Annexure P-1) registered under Sections 279, 336, 337, 338 and 427 of Indian Penal Code, 1860 at Police Station Shahabad, District Kurukshetra, on the basis of compromise deed, dated 14.10.2020, Annexure P-4, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 28.10.2020, 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-respondents No.2 and 3, the Sub Divisional Judicial Magistrate, Shahabad, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The court has further reported that none of the accused have been declared as Proclaimed Offender.

Hon'ble 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 Hon'ble Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Hon'ble 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 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.0514 dated 16.09.2018 (Annexure P-1) registered under Sections 279, 336, 337, 338

and 427 of Indian Penal Code, 1860 at Police Station Shahabad, District Kurukshetra and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

09.02.2021

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No