

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

210

CRM-M-34902-2020
Date of decision: 02.02.2021

Mahavir @ Anil Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- None for the parties.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

There is no representation on behalf of the parties.

The instant petition has been filed for quashing of FIR No.140 dated 28.05.2020 (Annexure P-1) registered under Sections 406, 420 of Indian Penal Code, 1860 and Section 24 of Immigration Act, at Police Station Madhuban, Karnal, on the basis of affidavit and compromise, dated 15.07.2020 and 14.10.2020, Annexures P-2 and P-3, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 02.11.2020, 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, Karnal, 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-petitioner has not been declared as Proclaimed person in the present case.

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.

On the basis of 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.140 dated 28.05.2020 (Annexure P-1) registered under Sections 406, 420 of Indian Penal Code, 1860 and Section 24 of Immigration Act, at Police Station

Madhuban, Karnal and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

02.02.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No