

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(232)

CRM-M-40471-2021
Date of Decision:- 29.11.2021

Sajid Khan alias Saji

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for respondent No.1.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.54 dated 11.05.2020 under Sections 354, 323 and 506 of the Indian Penal Code, 1860, registered at Police Station City-II, Malerkotla, District Sangrur, Annexure P-1, on the basis of compromise dated 06.09.2021, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that the FIR is an outcome of a minor dispute regarding fodder for cattle. He submits that the allegation against the petitioner is that he abused the complainant and when the complainant objected, he manhandled her, pulled her shirt and inflicted

injuries on her. He asserts that as is evident from the allegations, there is no intention on the part of the petitioner to outrage the modesty of the complainant and the offence under Section 354, IPC is not made out. He submits that pursuant to order passed by this Court on 29.09.2021, the parties have appeared before the trial Court and their statements have been recorded.

Mr. Avninder Singh, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed his Power of Attorney. He has admitted the factum of compromise between the parties and submits that the complainant-respondent No.2 is not interested in pursuing the criminal case against the petitioner.

Heard counsel for the parties.

Vide order dated 29.09.2021, this Court directed the trial Court/Illaq Magistrate to send a report regarding the genuineness of the compromise and as to whether P.O. proceedings are pending against any of the parties, after the recording of the statements of the parties to the dispute.

In compliance of the said order, a report has been received, relevant extract of which is reproduced as under:-

“In view of statements of complainant Huma Irshad and accused Sajid Khan @ Saji, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or pressure. The compromise is genuine and voluntary. As per statements of parties and as per record, no PO proceedings are pending against none (sic any) of the party. Accordingly report is being submitted please.”

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, 1973 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* has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

In *Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834*, Hon'ble Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

The dispute between the parties has arisen over a petty issue and being purely private in nature, has been settled by virtue of compromise, Annexure P-2 and the parties wish to give a quietus to the quarrel. The settlement will bring about harmony and peace between the parties, who are co-villagers. Counsel for the parties are also ad idem that no purpose will be served in continuing with the criminal proceedings.

Petition is accordingly allowed. FIR No.54 dated 11.05.2020 under Sections 354, 323 and 506 of the Indian Penal Code, 1860, registered at Police Station City-II, Malerkotla, District Sangrur, Annexure P-1, is quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

29.11.2021
Kamal

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