

**CRM No.13589 of 2021 in/and  
CRM-M-36859 of 2020**

**{1}**

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

**116**

**CRM No.13589 of 2021 in/and  
CRM-M-36859 of 2020  
Date of decision:04.08.2021**

Vinay Kumar and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Pawan Attri, Advocate  
for the petitioners.

Mr. Kuldeep Singh Tiwari, Addl.A.G.Haryana.

Mr. Fateh Saini, Advocate  
for respondents No.2 and 3.

**SUVIR SEHGAL, J. (Oral)**

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

**CRM No.13589 of 2021**

Prayer in the application is for preponement of the main case  
which is fixed for hearing on 19.08.2021.

Notice of the application to the non-applicant/respondents.

On asking of the Court, Mr.Kuldeep Tiwari, Additional  
Advocate General, Haryana accepts notice on behalf of the non-

applicant/respondent No.1 and Mr. Fateh Saini, Advocate accepts notice on behalf of the non-applicant/respondents No.2 and 3. They have not opposed the prayer made in the application.

Application is allowed. Hearing of the main case is preponed to today and is taken on Board for hearing today itself.

**CRM-M-36859 of 2020**

The instant petition has been filed for quashing of FIR No.215 dated 23.05.2016 registered under Sections 323, 324, 34, 452 and 506 of Indian Penal Code, 1860 at Police Station Kaithal City, District Kaithal (Annexure P-1) on the basis of compromise dated 27.09.2020 (Annexure P-2) arrived at between the parties.

Vide order dated 10.11.2020, 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-petitioners and complainant-respondents No.2 and 3, the Chief Judicial Magistrate, Kaithal has submitted a report, relevant extract of which is as under:-

*“1. Regarding Point No.(1) & (2), it is submitted that the name of complainant is Rambir Singh son of Jai Singh. The name of accused as arrayed in the FIR are as: 1) Vinay Kumar son of Suresh Kumar, 2) Salochna wife of Suresh Kumar, 3) Pardeep Sharma son of Suresh Kumar, 4) Suresh son of Kali Ram.*

*However, during investigation accused Suresh son of Kali Ram was found innocent and accordingly challan was presented before the Court only against accused Vinay Kumar, Pardeep and Salochna. It is relevant to mention that accused Pardeep who was son of Salochna and brother of Vinay Kumar had died on 10.08.2020 and his death report has been annexed alongwith statements of parties as Mark-A. All persons named as accused in the FIR have appeared except Pardeep (as he is stated to have died on 10.08.2020, in view of death certificate Mark-A) have appeared in the Court. The statement of accused Vinay Kumar and Salochna (against whom challan was presented) has been recorded jointly. The statement of complainant Rambir Singh and witness/injured Sadanand have been recorded separately. The statement of Investigating Officer/ASI Satish Kumar No.15 has also been recorded separately. It is further submitted that no persons has been declared absconding/P.O. in the case.*

*2. Regarding Point No.(3), it is submitted that the present case is at the stage of defence evidence, if any otherwise for arguments.*

*3. Regarding Point No.(4), it is submitted that complainant Rambir Singh and witness/injured Sadanand and accused namely Vinay Kumar and Salochna have stated that the*

*compromise has been effected between the parties with their free will and without any coercion or pressure from any corner. The complainant Rambir Singh and witness/injured Sadanand both have stated that they have compromised the matter with the accused persons. They stated that the said compromise was effected with their free will and without any coercion or pressure from any corner. Accused persons have also stated that compromise is correct and genuine. In view of the statements of the parties, the compromise appears to be effected voluntarily and out of free will. Accordingly, it is submitted that the compromise effected between the parties appears to be genuine.*

*4. Regarding Point No.(5), it is submitted that the Investigating Officer/ASI Satish Kumar has specifically stated that no other criminal case is pending in any other Court of law against any of the accused person.”*

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.215 dated 23.05.2016 registered under Sections 323, 324, 34, 452 and 506 of Indian Penal Code, 1860 at Police Station Kaithal City, District Kaithal (Annexure P-1) is quashed qua the petitioners.

(SUVIR SEHGAL)  
JUDGE

August 04, 2021  
savita

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|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |