

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36985 of 2020
Date of decision:19.04.2021

Budh Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bikramjit Singh Baath, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Rakesh Kumar, Advocate
for respondent No.2/complainant.

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.0055 dated 11.06.2020 (Annexure P-1) registered under Sections 452, 323 and 34 of Indian Penal Code, 1860 at Police Station Qadian, District Batala on the basis of compromise dated 13.10.2020 (Annexure P-2) arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Counsel for the petitioner submits that FIR is the outcome of fight between the relatives which has now been settled.

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-respondent No.2, Sub-Divisional Judicial Magistrate, Batala has submitted a report, relevant extract of which is as under:-

“In compliance to the aforesaid order dated 10.11.2020 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of the undersigned is as follows:-

i) As per record and as per the statement of Investigating Officer, in FIR bearing No.55 dated 11.06.2020 under Sections 452/323/325/34 IPC, Police Station Qadian, Batala, three persons namely Budh Singh, Giran Kaur and Sukhwant Kaur were arrayed as accused in the FIR and all the above named persons made their statements. None of the accused of the present FIR has been declared proclaimed person/offender nor any Proclaimed Offender proceedings are pending against any of them.

ii) The present FIR as got registered on the statement of complainant Paramjeet Kaur wd/o Kulwinder Singh and she has appeared and made a statement and apart from above said complainant, there is no other injured/victim in the present FIR.

iii) In the present FIR, challan has already been presented and fixed for awaiting presence of parties.

iv) In view of the statements got recorded by both the parties, this Court is satisfied that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion.

v) In view of the statements got recorded by both the parties as well as statement of Investigating Officer, no any other criminal case is pending against any of the accused.”

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.0055 dated 11.06.2020 (Annexure P-1) registered under Sections 452, 323 and 34 of Indian Penal Code, 1860 at Police Station Qadian, District Batala and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

April 19, 2021
savita

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>