

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

233-2

CRM-M-38835-2020

Date of Decision:17.02.2021

HARDEEP SINGH AND ORS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunil Sharma, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Ms. Gagandeep Kaur, Advocate for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

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

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.80 dated 11.05.2018 registered under Section 420 IPC, 1860, at Police Station City Dhuri, District Sangrur, Annexure P-1, on the basis of compromise, Annexure P-2, arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 26.11.2020, 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-private respondent, the Judicial Magistrate Ist Class, Dhuri, 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 petitioners have been declared as Proclaimed Offender, however, there are two other cases pending against the accused-petitioners. Still further, it has been

reported that there is yet another accused namely, Shivam Kumar, however, compromise has not been effected with him nor he is the petitioner before this Court.

Counsel for the petitioners submits that petitions for quashing of FIRs on the basis of compromise in both the cases have also been filed, and the same are also listed before this Court today.

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.80 dated 11.05.2018 registered under Section 420 IPC, 1860, at Police Station City Dhuri, District Sangrur, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

17.02.2021
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(SUVIR SEHGAL)
JUDGE

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