

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

202-2

**CRM-M-33391-2019
Date of Decision:05.04.2021**

LAKHWINDER SINGH AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Pardeep Kumar Kapila, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vicky Sharma, Advocate
for the complainant.

SUVIR SEHGAL, J.(ORAL)

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.73 dated 05.07.2018 registered under Sections 324, 506, 323, 382, 148, 149 and 427 IPC, 1860, at Police Station Jhunir, District Mansa, Punjab, Annexure P-1, on the basis of compromise arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 19.08.2019, 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, the Sub Division Judicial Magistrate, Sardulgarh, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The extract of the report is reproduced hereunder:-

“1. In this case FIR was registered against three accused namely Lakhwinder Singh, Sukhi and Bobby by name. The FIR has also been registered against 4/5 unknown persons but during investigation these unknown persons could not be identified.

2. None of the accused is proclaimed offender in this case.

3. Only FIR has been registered in this case and none of the accused has been arrested yet.

So, after going through the above statements of complainant and accused person namely Lakhwinder Singh and Sukhjinder Singh, this Court is satisfied that a written compromise dated 08.04.2019 (Annexure P2 already produced before Hon'ble High Court) has been effected between the complainant and accused namely Lakhwinder Singh and Sukhjinder Singh, is bonafide, without any coercion or undue influence and the same is genuine and voluntary. Further, as per the statement of ASI Ganga Ram, Investigating Officer of this case, FIR was registered against three accused namely Lakhwinder Singh, Sukhi and Bobby by name. The FIR has also been registered against 4/5 unknown persons but during investigation these unknown persons could not be identified. Further, none of the accused is proclaimed offender in this case and only FIR has been registered in this case and none of the accused has been arrested yet.”

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.73 dated 05.07.2018 registered under Sections 324, 506, 323, 382, 148, 149 and 427 IPC, 1860, at Police Station Jhunir, District Mansa, Punjab, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

05.04.2021
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(SUVIR SEHGAL)
JUDGE

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