IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(230)

CRM-M-32110-2020
Date of Decision : 22.04.2021

M/s Almac Laser Pvt. Ltd. (Regd.) and others **...Petitioners**

VERSUS

State of Punjab and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Kumar Sharma, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Mr. Shekhar Verma, 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 the Code of Criminal Procedure for quashing of the FIR No.187 dated 25.05.2019 (Anneuxre P-1), registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station City Barnala, District Barnala, Punjab, on the basis of compromise dated 13.06.2019 (Annexure P-2), arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 21.12.2020, 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, the Chief Judicial Magistrate, Barnala has

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submitted the report, relevant extract of which is as under:-

> *"Statement of ASI Hardeep Singh No.283/GRP has also been recorded who stated that Ms. Almac Laser Private Limited Regd. Office BEI Compound 78 Channi Road, Vadodara, Vadodara City, Gujrat, India, Ankur Rajendra Desai, Kishor Rajput, Patel Sureshbhai and Lokumal Dolumal Gajani alias Sindhi were arrayed as accused in the FIR and that no accused is proclaimed offender in this case and proclamation proceedings are not pending against them in this case. He stated that no other person except above said all accused is nominated in the present case. He stated that except complainant Mr. Anbhav Nayar authorized representative of Trident Limited, Sanghera, there is no other complainant or affected aggrieved/party in present case. He stated that challan has not so far been presented in this case. He stated that no other criminal case is pending against the accused. (Statement of ASI Hardeep Singh No.283/GRP recorded and attached with the report).*
>
> *From the statements recorded in the Court, it appears that the compromise effected between the complainant & accused is genuine, without any pressure and coercion or undue influence. The statements recorded by the parties are enclosed herewith."*

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

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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.187 dated 25.05.2019, registered under Sections 420 and 120-B of the Indian Penal Code, 1860, at Police Station City Barnala, District Barnala, Punjab (Anneuxre P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

22.04.2021
Kamal

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

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