

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49292 of 2019 (O&M)

Date of decision:22.04.2021

Guravtar Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sultan Singh Gill, Advocate
for respondents No.2 to 10.

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 DDR No.21 dated 21.09.2019 (Annexure P-2) registered under Sections 323, 324, 148 and 149 of Indian Penal Code, 1860 (however, Section 326 of IPC was added later on) at Police Station Jandiala, District Amritsar (Rural) in FIR No.234 dated 19.09.2019 (Annexure P-1) registered under Sections 323, 324, 148 and 149 of IPC (however, Section 326 of IPC was added later on) at Police Station Jandiala, District Amritsar (Rural) on the basis of compromise dated 26.10.2019 (Annexure P-3) arrived at between the

parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 09.10.2020 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 respondents No.2 to 10, Judicial Magistrate Ist Class, Amritsar has submitted a report, relevant extract of which is as under:-

- “I. *As per the statement recorded by ASI Durlabh Darshan Singh No.287/ASR-R, P.S.Jandiala, total nine persons as arrayed as accused in the present DDR and the all the accused appeared in the Court and none of the accused person is ever declared proclaimed offender.*
- II. *As per the statement recorded by ASI Durlabh Darshan Singh No.287/ASR-R, P.S.Jandiala, total nine complainants and injured/aggrieved namely Karandeep Singh, Rajandeep Singh, Rupinder Singh, Jobanjit Singh @ Jobanpreet Singh, Arshdeep Singh, Sandeep Singh, Babal @ Babaldeep Singh, Amarjit Singh and Ramandeep Singh arrayed in the present FIR and all the complainants appeared in the Court.*
- III. *As per the statement recorded by ASI Durlabh Darshan Singh No.287/ASR-R, Karandeep Singh is complainant and Rupinder Singh son of Kartar Singh are injured/aggrieved in the present DDR.*

IV. *That the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*

V. *That no any other criminal case is pending against the above said accused.*

VI. *That neither any remand papers nor any challan are presented before the Court in the present DDR against 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. DDR No.21 dated 21.09.2019 (Annexure P-2) registered under Sections 323, 324, 148 and 149 of Indian Penal Code, 1860 (however, Section 326 of IPC was added later on) at Police Station Jandiala, District Amritsar (Rural) in FIR No.234 dated 19.09.2019 (Annexure P-1) registered under Sections 323, 324, 148 and 149 of IPC (however, Section 326 of IPC was added later on) at Police Station Jandiala, District Amritsar (Rural) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

April 22, 2021

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Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No