

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49334 of 2019 (O&M)

Date of decision:22.04.2021

Rajandeep Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sultan Singh Gill, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Bikramjit Singh Randhawa, 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 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 ten persons as arrayed as accused in the present case 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 eight complainants and injured/aggrieved namely Guravtar Singh, Navdeep Singh son of Jasbir Singh, Navdeep Singh son of Ajit Singh, Amandeep Singh, Harpreet Singh, Gursharan Singh, Adarshpal Singh, Akashdeep Singh and Santokh 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, Gauravtar 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.”*

Since there was a confusion in the number of accused mentioned in the above report, a fresh report was sought for, from the trial Court which has been received and the relevant extract of the same is reproduced as under:-

“In reference to order dated 27.01.2021 passed by Hon'ble High Court in CRM-2044 of 2021 in/and CRM-M-49334 of 2019 “Rajandeep Singh & Others Versus State of Punjab & Others”, on the subject cited above, it is respectfully submitted that in the report already sent by the undersigned vide letter dated 234 dated 04.12.2020, in para no.1 of the report, the number of accused was mentioned as 10 inadvertently. However, statement of IO/ASI Durlabh Darshan Singh No.287/ASR-Rural has been recorded and as per his statement the number of accused in the present case are 8. So, it is therefore, requested that number of accused in the above noted case may kindly be read as 8 instead of 10. So, report is submitted for kind perusal of your goodself.”

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.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