

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(112)

CRM-M-52613-2019 (O&M)

Date of Decision:23.02.2021

Harmanjeet Singh and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Rajvinder Kaur, Advocate
for the applicants-petitioners.

...
SUVIR SEHGAL, J. (Oral)

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

CRM-4933-2021

Prayer in the application is for preponing of the hearing of main case,
which is fixed for 28.04.2021.

Notice of the application.

On asking of the Court, Mr. Harbir Sandhu, AAG, Punjab accepts
notice on behalf of the State-respondent No.1 and Mr. Jasdeep Kailey,
Advocate accepts notice on behalf of the respondent No.2. They do not
have any objection in case the prayer is acceded to.

Application is allowed. The hearing of the main case is preponed
to today and is taken on Board.

CRM-M-52613-2019

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the DDR No.28 dated 17.05.2019, under Sections 323, 452, 506, 427, 148 and 149 IPC, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-2), which is the cross version of the FIR No.85 dated 17.05.2019, under Sections 323, 452, 427, 506, 148 and 149 IPC, registered at Police Station Rupnagar (Annexure P-1) on the basis of compromise/affidavit dated 10.06.2019 (Annexure P-3), arrived at between the parties, alongwith all subsequent proceedings arising therefrom.

Vide order dated 11.12.2019/04.02.2020, 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, the Chief Judicial Magistrate, Rupnagar has submitted the report, relevant extract of which is as under:-

“2. Accused Harmanjeet Singh, aged about 33 years, son of Ajit Singh, son of late Sh. Santa Singh, resident of house No.43, Ranjit Avenue, Bella Chowk, Rupnagar and Surinder Kaur, aged about 59 years, wife of Ajit Singh, son of late Sh. Santa Singh, resident of house No.43, Ranjit Avenue, Bella Chowk, Rupnagar recorded their statement while stating that present DDR No. 28 dated 17.05.2019 registered at Police Station City Ropar, under Sections 323, 341 and 506 IPC has been registered on the instance of complainant Balwinder Singh Gill. Now, they have compromised the matter with the complainants named above. Copy of compromise is mark A.

They have compromised the matter out of their own sweet will, undue influence and pressure and they agrees with the same. Copies of their aadhar Card is mark C and D respectively. They have not been declared Proclaimed Person in this matter as well as any other matter till date.

3. From the statements of parties got recorded by them today in the Court, it appears that parties have effected compromise with their own sweet will, voluntarily without any pressure and coercion in any manner.”

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.28 dated 17.05.2019, under Sections 323, 452, 506, 427, 148 and 149 IPC, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-2), which is the cross version of the FIR No.85 dated 17.05.2019, under Sections 323, 452, 427, 506, 148 and 149 IPC, registered at Police Station Rupnagar (Annexure P-1), and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

23.02.2021
Pardeep

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