

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

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CRM-M-54766-2019 (O&M)

Date of decision: 05.03.2021

Charanjeet Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harpal Preet Singh Chopra, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Suresh Kumar Kaushik, Advocate for
Mr. Dharamvir Sharma, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

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

CRM-5515-2021

Application is allowed.

Annexure P-4 is taken on record.

CRM-5519-2021

Prayer in the application is for preponement of the hearing
of the main case.

Notice of the application.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on
behalf of respondent No.1-State and Mr. Suresh Kumar Kaushik,
Advocate for Mr. Dharamvir Sharma, Advocate has appeared through
video conferencing on behalf of respondent No.2. Counsel for the
respondents do not have any objection to the advancement of the date of

hearing.

Application is allowed.

Hearing of the main case is preponed to today and is taken on Board today itself.

Main case

The instant petition has been filed for quashing of FIR No.11 dated 22.01.2019, registered under Section 406 and 420 of Indian Penal Code, 1860 at Police Station City Nawanshahar, District S.B.S. Nagar, Punjab, on the basis of compromise, dated 04.10.2019 arrived at between the parties alongwith all subsequent proceedings arising therefrom.

Vide order dated 20.12.2019, 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-petitioner and complainant-private respondent, the Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, has submitted the report, the relevant extract of which is as under:

“5. In the said background, the statements so suffered by the complainant as well as accused Charanjeet Singh show that the compromise so effected amongst parties is genuine, voluntary, without any coercion or undue influence with an intent to bring entire dispute amongst them to an end.

6. It is further submitted that as per the report received from the concerned Police Station, accused/petitioner Charanjeet Singh has not been declared Proclaimed Offender in this case. Hence, the report is submitted for your honours kind perusal

please”

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. A 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 noncompoundable 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.11 dated 22.01.2019, registered under Section 406 and 420 of Indian Penal Code, 1860 at Police Station City Nawanshahar, District S.B.S. Nagar, Punjab, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

05.03.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

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