

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212-1)

CRM-M-44569-2021

Date of Decision:-07.01.2022

Kamaldeep Singh Bhalla

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab for respondent No.1.

Ms. Rishma Verma, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.108 dated 08.08.2017 registered for offence under Section 354-A of the Indian Penal Code, 1860, at Police Station Division No.4, District Jalandhar City, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 09.05.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that FIR, Annexure P-1, registered by complainant-respondent No.2 is a result of a minor

altercation, which took place between the parties over a dispute regarding the parking of vehicles outside the office of the parties. Counsel for the petitioner contends that the petitioner is alleged to have used foul language, misbehaved with complainant-respondent No.2 and tried to pull her by her arm, as a result of which Section 354-A, IPC has been invoked by the prosecution. He submits that the dispute between the parties being purely private in nature has been settled by virtue of compromise, Annexure P-2, and the parties have recorded their statements in support of the compromise pursuant to order passed by this Court.

Upon instructions received from, ASI, Faqir Singh, State counsel submits that the investigation is complete, challan has been presented against the petitioner, who is on bail, and charge under Section 354-A, IPC has been framed. Upon further instructions, he submits that some prosecution witnesses have been examined.

Counsel representing the complainant-respondent No.2 has submitted that in view of the compromise, the FIR deserves to be quashed.

Heard counsel for the parties.

Vide orders dated 27.10.2021 and 20.12.2021, this Court directed the parties to appear before the trial Court/Illaqa Magistrate, and get their statements recorded regarding the compromise and a report was called for from the Court regarding the genuineness of the compromise as also as to whether P.O. proceedings are pending against any of the parties.

Report from the trial Court has been received in compliance of the said order and its relevant extract is reproduced hereunder:-

“As per statements of parties, i.e., complainant, Simran and accused/petitioner, Kamaldeep Singh Bhalla, the compromise is genuine, voluntary, without any coercion or undue influence and has been arrived at between the said parties out of their free will. As per record of this case, no P.O. proceedings are pending against the accused/petitioner and as per the record of the connected/cross case pending before this Court, no P.O. proceedings are pending against the complainant/respondent No.2.”

Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and 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, 1973 to quash an FIR or complaint having predominantly civil flavour or involving 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*** has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

In ***Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834***, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an

embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that the dispute between the parties is over a trivial matter, which has now been settled and the parties intend to give quietus to the entire controversy, continuation of criminal proceedings would not serve any purpose and FIR, Annexure P-1, deserves to be quashed.

Accordingly, the petition is allowed. FIR No.108 dated 08.08.2017 registered for offence under Section 354-A of the Indian Penal Code, 1860, registered at Police Station Division No.4, District Jalandhar City, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

07.01.2022
Kamal

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