

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-51456-2021(O&M)

Date of Decision:- 04.02.2022

Sunita Malik and another

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Lamba, Advocate for the petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana for respondent No.1.

Ms. Vandana Sharma, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.152 dated 24.03.2020 registered for offences under Sections 294, 323, 332, 34, 353, 354-A, 506 and 509 of the Indian Penal Code, 1860, at Police Station - Sector 32-33, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2, between the parties.

Counsel for the petitioners submits that FIR is an outcome of trivial dispute between colleagues and at the instance of petitioner No.1, her son, petitioner No.2 misbehaved with the complainant and allegedly outraged her modesty. He submits that dispute has been settled by virtue of compromise, Annexure P-2, and the parties have appeared before the Trial Court and recorded their statements in support of the compromise pursuant to order passed by this Court.

By referring to the reply by way of an affidavit of Deputy Superintendent of Police, District Karnal filed on behalf of respondent No.1-State, which is taken on record, State counsel submits that challan has been presented, though the charge is yet to be framed. She submits that there is no other criminal case pending against the petitioners, but she has opposed the petition on the ground that the offence is non-compoundable. Counsel representing the complainant-respondent No.2 has, however, supported the petitioners and submitted that in terms of the compromise, the petition deserve to succeed.

Heard counsel for the parties.

Vide order dated 10.12.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate, get their statements recorded regarding the compromise and a report was called from the Trial Court/Illaq Magistrate regarding the genuineness of the compromise. Report has been received and relevant extract, thereof, reads as under:-

“On the basis of statements, Annexure-I to Annexure-III as referred above, according to this Court compromise between complainant Sonia and accused, Sunita Malik and Vishal Malik, is genuine, voluntarily and without any coercion or undue influence.”

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, 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*** 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.

Keeping in view the fact that the dispute between the parties is purely private in nature and has been settled by virtue of compromise, this Court is of the view that no purpose would be served in continuing with the criminal proceedings, rather quashing the same would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.152 dated 24.03.2020 registered for offences under Sections 294, 323, 332, 34, 353, 354-A, 506 and 509 of the Indian Penal Code, 1860, at Police Station Section - Sector 32-33, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

04.02.2022
Kamal

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