

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(212)

CRM-M-51828-2021
Date of Decision:-07.01.2022

Simran and another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Rishma Verma, Advocate for the petitioners.

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

Mr. Jasmeet Singh Ghumman, 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 cross version case registered vide Rapat No.38 dated 04.08.2017 for offence under Sections 323, 506, 451 and 34 of the Indian Penal Code, 1860 in 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 Police Commissionerate Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 09.05.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners contended that FIR, Annexure P-1, was registered by the petitioner No.1 against respondent No.2 as there was

a minor altercation between the parties over the parking of vehicles. However, respondent No.2 lodged a cross-version dated 04.08.2017, Annexure P-1, alleging that he was attacked by 10-12 unknown goons at the behest of the petitioners. He submits that the dispute between the parties being purely private in nature has been settled by virtue of compromise, Annexure P-3, 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 petitioners and 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 order dated 10.12.2021, this Court directed the parties to appear before the Illaqa Magistrate, and get their statements recorded regarding the compromise and a report was called for from the Court regarding the following:-

- (a) whether after completion of investigation, report under Section 173 Cr.P.C. has been filed;
- (b) whether charge has been drawn against the accused; and
- (c) whether the prosecution evidence has commenced.

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, Kamaldeep Singh Bhalla, and accused/petitioners, Simran and Dharminder Gill, 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. The report as sought vide para No.4 of the order dated 10.12.2021 is as under:-

- (a) After completion of investigation, report under Section 173 Cr.P.C. has been filed on 25.04.2019;*
- (b) Charge has been framed against the accused on 06.03.2020;*
- (c) Prosecution evidence has been commenced and three witnesses examined.”*

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. Cross version case registered vide Rapat No.38 dated 04.08.2017 for offence under Sections 323, 506, 451 and 34 of the Indian Penal Code, 1860 in 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 Police Commissionerate Jalandhar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

07.01.2022
Kamal

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