

CRM-M-3051 of 2020

[1]

2023:PHHC:084515

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

260

CRM-M-3051 of 2020

Date of decision:05.07.2023

Suraj Sharma and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab.

Mr. Ajay Kumar, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) for quashing of FIR No.81 dated 21.05.2019 registered for offences under Sections 341, 323, 379, 148, 149, 120-B, 201 of Indian Penal Code, 1860, at Police Station Chheharta, District Amritsar, (Annexure P-1) on the basis of compromise dated 24.10.2019 (Annexure P-2).

2. Pursuant to order dated 23.01.2020 passed by this Court, report has been received from the Trial Court and its relevant extract is as under:-

“2. Accordingly, in compliance of the aforesaid order of the Hon’ble Punjab & Haryana High Court, the complainant Vishal son of Ashok Kumar and accused Suraj Sharma son of Sham Lal, Vikram son of Kewal Krishan, Ravi Sharma son of

Suraj Parkas, Shivani d/o Ashok Kumar, Anchal d/o Ashok Kumar and Dheeraj son of Ram Dass and Amritpal Singh son of Bhupinder Singh and Karanbir Singh s/o Sukhdev Singh appeared in the Court on 10.02.2020 for recording of their statements.

3. *Statement of Investigating Officer in the present case has also (been sic) recorded in which he stated that case was registered on the statement of complainant Vishal son of Ashok Kumar against accused Amrit Pal Singh @ Karan @ Bundi son of Bhupinder Singh @ Binder, Ravi Sharma son of Suraj Parkash, Vikram Kumar son of Kewal Krishan, Dhiraj Kumar son of Ram Dass, Suraj Sharma son of Sham Lal, Shivani d/o Ashok Kumar, Aanchal d/o Ashok Kumar and Karanbir Singh son of Sukhdev Singh. As per record none of the accused is proclaimed offender and no other case is pending against accused persons. Challan is already submitted in Hon'ble Court against all accused persons except accused Karanbir Singh son of Sukhdev Singh whose supplementary challan is yet to be submitted.*

4. *Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence.*

5. *It also appears that the statement of Investigating Officer that there were eight accused arrayed in the FIR namely Amrit Pal Singh @ Karan @ Bundi son of Bhupinder Singh @ Binder, Ravi Sharma son of Suraj Parkash, Vikram Kumar son of Kewal Krishan, Dhiraj Kumar son of Ram Dass, Suraj Sharma son of Sham Lal, Shivani d/o Ashok Kumar, Aanchal d/o Ashok Kumar and Karanbir Singh son of Sukhdev Singh and only one injured/victim mentioned in the FIR namely Vishal son of Ashok Kumar and no other case was pending against the accused and all of the accused as well as complainant have appeared for recording of their statements in this case. None of the accused is proclaimed offender. Challan was yet to be presented and all the parties appeared for recording their statements.”*

3. 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 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** 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.

4. Counsel for the private 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.

5. Accordingly, the petition is allowed. FIR No.81 dated 21.05.2019 registered for offences under Sections 341, 323, 379, 148, 149, 120-B, 201 of Indian Penal Code, 1860, at Police Station Chheharta, District Amritsar, (Annexure P-1) is quashed qua the petitioners.

July 05, 2023

savita

(SUVIR SEHGAL)
JUDGE

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