

CRM-M-7328 of 2023

[1]

2023:PHHC:087905

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

278

CRM-M-7328 of 2023

Date of decision:13.07.2023

Sawinder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

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

Mr. Jagdish Singh Mahal, 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.0117 dated 12.09.2021 registered for offences under Sections 324, 34 of Indian Penal Code, 1860 (however, Sections 326 and 201 IPC were added later on), at Police Station Sultanwind, District Police Commissionerate Amritsar (Annexure P-1) alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 30.01.2023 (Annexure P-2).

2. Counsel for the petitioners submits that FIR (Annexure P-1), has been registered by sister of petitioner No.1 due to a petty issue. He submits petitioner No.2 is the daughter-in-law of petitioner No.1 and the dispute between the parties has been amicably settled by virtue of compromise (Annexure P-2).

3. This factum has been admitted by counsel representing respondent No.2, who has supported the prayer made in the petition..

4. Heard counsel for the parties.

5. Pursuant to order dated 10.02.2023 passed by this Court, Area Magistrate has recorded the statements of the parties as well as that of Investigating Officer and has submitted a report before this Court. Area Magistrate is satisfied regarding the genuineness of the compromise reached at between the parties. It has been further reported that no accused has been declared as Proclaimed Offender and after submission of the challan, charge has not been framed.

6. As the dispute between the parties, who are closely related, has been, amicably settled, this Court is of the view that quashing of the criminal proceedings would enable the parties who are related to each other, to live in a congenial atmosphere.

7. 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.

8. 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.

9. Accordingly, the petition is allowed. FIR No.0117 dated 12.09.2021 registered for offences under Sections 324, 34 of Indian Penal Code, 1860 (however, Sections 326 and 201 IPC were added later on), at Police Station Sultanwind, District Police Commissionerate Amritsar (Annexure P-1) alongwith all subsequent proceedings arising therefrom are quashed qua the petitioners.

July 13, 2023

savita

(SUVIR SEHGAL)
JUDGE

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