

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

264

CRM-M-9822-2021 (O&M)
Date of Decision: 24.05.2023

Krishan Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Mayur Karkra, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Ms. Pooja, Advocate, for
Mr. Mohit Rathee, Advocate
for respondent No.2.

SANJEEV PRAKASH SHARMA, J (ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No.115 dated 04.11.2016 under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala and all subsequent proceedings arising therefrom including the final report under Section 173 Cr.P.C., on the basis of compromise (Annexure P-3).

Learned counsel for the parties have stated that the present FIR may be quashed as the parties have amicably settled the dispute.

During the course of preliminary hearing, the trial Court was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise by this Court.

In compliance thereof, report dated 31.03.2021 from concerned Court, has been received through District and Sessions Judge, Patiala, with

statements of parties, in which, it has been mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

The Hon'ble Full Bench of this Court in case **Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052** and Hon'ble Division Bench of this Court in case **Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102** observed that compounding of offence can be allowed even after conviction, during proceedings of the appeal against conviction pending in Sessions Court and in case of involving non-compoundable offence.

An identical question came to be decided by Hon'ble Supreme Court in case **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543.**

The same view has been recently reiterated by the Apex Court in case **Narinder Singh and others Vs. State of Punjab and another, 2014(2) RCR (Criminal) 482 & State of Madhya Pradesh Vs. Laxmi Narayan and others, 2019(5) SCC 688.**

In view of above, the instant petition is accepted. Consequently, the impugned FIR No.115 dated 04.11.2016 under Sections 406 and 498-A IPC, registered at Police Station Women, District Patiala and all subsequent proceedings arising therefrom including the final report under Section 173 Cr.P.C. are hereby quashed, on the basis of compromise, qua the petitioner only.

24.05.2023
D.Bansal

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No