

CRM-M-14572 of 2023

[1]

2023:PHHC:085220

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

268

CRM-M-14572 of 2023

Date of decision:06.07.2023

Arman Rupra @ Armandeep Singh Rupra
(minor) and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.S.Brar, Advocate
for the petitioners.

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

Mr. T.S.Maam, 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.82 dated 01.03.2023 registered for offences under Sections 452, 323, 148, 149 and 506 of Indian Penal Code, 1860, at Police Station City Faridkot, District Faridkot (Annexure P-1) on the basis of compromise dated 13.03.2023 (Annexure P-2).

2. Pursuant to order dated 22.03.2023 passed by this Court, report has been received from the Trial Court and its relevant extract is as under:-

“5. In view of the above said statements got recorded by the parties, the report of the undersigned as required by the Hon’ble High Court is submitted as under:-

(1) FIR has been registered against six accused persons

namely (1) Arman Rupra (2) Jashan Rupra (3) Gurpreet Singh Aulakh (4) Arman Arora (5) Navi Malhotra and (6) Sajan (petitioners No.1 to 6 before Hon'ble High Court) and one unknown person. Challan has not been presented in the Court and investigation is still going.

(2) As per statement of Investigating Officer, none of the accused has been declared as proclaimed offender.

(3) As per the statement of Investigating Officer, the matter is still at the stage of investigation.

(4) From the statement of the parties, as recorded in the Court, it appears that they have voluntarily compromised the matter, which is with their own sweet will and discretion, without any pressure or coercion and the same appears to be genuine.

(5) Statement of Investigating Officer with respect to point No.1 to 3 has been recorded as per directions of Hon'ble High Court."

3. State has filed reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Faridkot, District Faridkot on behalf of respondent No.1, which is taken on record.

4. 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.

5. 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.

6. Accordingly, the petition is allowed. FIR No.82 dated 01.03.2023 registered for offences under Sections 452, 323, 148, 149 and 506 of Indian Penal Code, 1860, at Police Station City Faridkot, District Faridkot (Annexure P-1) is quashed qua the petitioners.

July 06, 2023

savita

(SUVIR SEHGAL)
JUDGE

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