

CRM-M-17721 of 2023

[1]

2023:PHHC:084676

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

269

CRM-M-17721 of 2023

Date of decision:05.07.2023

Jagpal Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gurbir Singh Sidhu, Advocate
for the petitioner.

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

Mr. Mohit Thakur, 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.0095 dated 22.08.2019 registered for offences under Sections 435 and 427 of Indian Penal Code, 1860, at Police Station Sadar Raikot, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 23.03.2023 (Annexure P-2).

2. Counsel for the petitioners submits that insofar as petitioner No.1 is concerned, besides the present case, he has been named as accused in four other criminal cases which have been registered inter se parties and the criminal cases have been settled by way of compromise.

3. In compliance of order dated 13.04.2023 passed by this Court, report has been received from the Trial Court and its relevant extract is as

under:-

“2. Pursuant to the order dated 13.04.2023 passed by Hon’ble Punjab & Haryana High Court in CRM-M-17721-2023 titled as Jagpal Singh and another Vs. State of Punjab and another, report is hereby submitted to the effect that the statement of complainant/respondent No.2 Balwinder Kaur w/o Harpal Singh, R/o Dadahur, Tehsil Raikot, District Ludhiana and petitioners No.1 and 2/accused namely Jagpal Singh s/o Gurnam Singh, R/o Maur (Nabha), Distt. Barnala and Lakhvir Singh s/o Malkeet Singh, R/o Kothe Dulamsar, Maur (Nabha), District Barnala respectively, recorded on 08.05.2023. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of SI Harpreet Singh, No.600/Ldh(R), now posted as Incharge, PP Jalaldiwal, P.S.Sadar Raikot recorded to the effect that in the present (sic FIR) there is one complainant namely Balwinder Kaur and two accused namely Jagpal Singh and Lakhvir Singh and as per record they were never declared as Proclaimed Offender. He further stated that in the present case challan has (sic been) presented against accused and case is fixed for consideration on charge. He further stated that as per record, FIR No.75

dated 05.04.2018 u/s 447, 427 of IPC, PS Sadar Raikot, FIR No.61 dated 11.06.2019 u/s 447, 511 of IPC, PS Sadar Raikot, FIR No.127 dated 26.10.2021 u/s 447, 511, 506 of IPC, PS Sadar Raikot, FIR No.27 dated 28.04.2022 u/s 323, 324, 148, 149, 506, 120-B of IPC, PS Sadar Raikot, have also been registered against accused namely Jagpal Singh s/o Gurnam Singh, r/o Maur (Nabha), District Barnala. He further stated that no other criminal case is pending against Lakhvir Singh s/o Malkeet Singh, r/o Kothe Dulamsar, Maur (Nabha), Distt. Barnala.”

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.0095 dated 22.08.2019 registered for offences under Sections 435 and 427 of Indian Penal Code, 1860, at Police Station Sadar Raikot, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

July 05, 2023

savita

(SUVIR SEHGAL)
JUDGE

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