

Before Suvir Sehgal, J.

RUPINDER KUMAR @ DEEPAK @ INDER AND OTHERS —
Petitioners

versus

STATE OF PUNJAB AND ANOTHER—*Respondents*

CRM-M No.5472 of 2020

December, 11 2020

Indian Penal Code, 1860—Ss. 406 and 498-A—Quashing of FIR on basis of compromise—High Court has wide power under Section 482 of Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavor or involving matrimonial offences and family disputes wherein wrong is basically private or personal in nature and parties have resolved their entire dispute - Therefore, FIR quashed.

Held that, Hon'ble 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 of Criminal Procedure 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. 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 held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

(Para 11)

M.S.Dhami, Advocate
for the petitioners.

Mehardeep Singh, Addl. A.G. Punjab.

Vinod Pundir, Advocate
for respondent No.2.

SUVIR SEHGAL J. oral

(1) The Court has been convened through video conferencing due to Covid-19 pandemic.

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(2) Prayer in the application is for preponement of the hearing of the main case, which is listed for hearing on 10.02.2021.

(3) Notice of the application.

(4) Mr. Mehardeep Singh, Addl.A.G. Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1- State. Mr. Vinod Pundir, Advocate, accepts notice on behalf of respondent No.2. They do not have any objection to the advancement of the date of hearing.

(5) Application is allowed.

(6) Hearing of the main case is preponed to today and is taken on Board today itself.

Main case.

(7) The instant petition has been filed for quashing of FIR No.106 dated 22.10.2019 (Annexure P-1) registered under Section 498-A of Indian Penal Code, 1860 at Police Station Kathgarh, District S.B.S. Nagar, and DDR No.22 dated 11.11.2019, Annexure P-2, for adding Section 406 of IPC and name of additional accused-petitioners No.2 and 3 in the said FIR, on the basis of agreement/compromise, dated 18.01.2020, Annexure P-3, arrived at between the parties alongwith all subsequent proceedings arising therefrom.

(8) Counsel for the petitioners submits that the FIR was the outcome of the matrimonial dispute between the parties and the dispute has been resolved and an agreement/compromise dated 18.01.2020, Annexure P-3, has been effected between the parties. In terms of the compromise, a petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of the marriage by mutual consent has been filed in which the first motion was recorded on 18.01.2020 and the petition is now fixed for recording of second motion on 18.12.2020. Counsel has referred to the petition filed under Section 13-B of the Hindu Marriage Act, 1955, Annexure P-4, and submitted that the amount settled between the parties is to be paid upon the quashing of the FIR.

(9) Vide order dated 07.02.2020, the parties were directed to appear before the Illaqa Magistrate/trial Court to get their statements recorded regarding the compromise and a report was called for from the Court.

(10) After recording the statements of the accused-petitioners

and complainant-private respondents, the Sub Divisional Judicial Magistrate, Balachaur, Shaheed Bhagat Singh Nagar, has reported that the compromise in question is genuine, voluntary and without any coercion or undue influence. The court has further reported that none of the accused have been declared as Proclaimed Offender and no other criminal case is pending against the accused.

(11) Hon'ble Supreme Court in *Gian Singh* versus *State of Punjab and another*¹ has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure 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. The Hon'ble Full Bench of this Court in case *Kulwinder Singh* versus *State of Punjab and another*² and Hon'ble Division Bench of this Court in case *Sube Singh and another* versus *State of Haryana and another*³ held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving noncompoundable offences.

(12) Counsel for the 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.

(13) Accordingly, the petition is allowed. FIR No.106 dated 22.10.2019 (Annexure P-1) registered under Section 498-A of Indian Penal Code, 1860 at Police Station Kathgarh, District S.B.S. Nagar, and DDR No.22 dated 11.11.2019, Annexure P-2, for adding Section 406 of IPC and name of additional accused-petitioners No.2 and 3 in the said FIR and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

Ritambhra Rishi

¹ 2012(4) RCR (Criminal) 543

² 2007(3) RCR (Criminal) 1052

³ 2013(4) RCR (Criminal) 102