

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

CRM-M-25272 of 2020 (O&M)

DATE OF DECISION : 03.11.2020

Kashmir Chand & Ors.

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Raman Goklaney, Advocate,
for the petitioners.

Mr. Amit Mehta, Sr. DAG Punjab.

Mr. Rahul Arora, Advocate
For respondent No.2.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. On the basis of a compromise, petitioner herein seeks to quash an FIR bearing No. 163 dated 31.07.2020, registered under Sections 457, 380, 447 and 427 of IPC, at Police Station City Fazilka.

2. Compromise deed as well as an affidavit dated 19.08.2020 executed by and between the parties are appended as Annexures P-2 and P-3, respectively. Since quashing was sought on the basis of compromise, this Court on 01.09.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording of their statements in support of the compromise. A veracity report was also called for.

3. A report dated 20.10.2020 of the Chief Judicial Magistrate, Fazilka is on record. Perusal thereof reveals that the statements of the complainant party i.e. respondent No.2 as also of the accused/present

petitioners herein have been duly recorded. It has also been opined that a compromise has been arrived without any pressure, undue influence or coercion. The report is accompanied by the statements of the parties.

4. Mr. Rahul Arora, Advocate, who represents the complainant party/respondent No.2 also states that the compromise having been effected, he has no objection to the quashing of the FIR.

5. This Court in appropriate cases can exercise its jurisdiction under Section 482 Cr.P.C. for quashing of criminal proceedings/FIR on the basis of compromise. Reference may be had to a Full Bench decision of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*¹ and Apex court judgment in *Narinder Singh and others vs. State of Punjab and another*².

6. In the case in hand, the complainant/respondent and accused/petitioner have arrived at a compromise voluntary and without any coercion.

7. It is an appropriate case to invoke Section 482 of Cr.P.C. to end the criminal proceedings initiated pursuant to the impugned FIR.

8. In the premise, the present petition is allowed. FIR bearing No. 163 dated 31.07.2020, registered under Sections 457, 380, 447 and 427 of IPC, at Police Station City Fazilka and all proceedings emanating there from qua the petitioners stand quashed.

9. Petition is allowed in the aforesaid terms.

November 03, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

¹ **2007 (3) RCR (criminal) 1052**

² **2014(6) SCC 466**