

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 13030 of 2021 (O&M)
Date of Decision: 02.12.2021

Sagar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

Ms. Arti Kaur, Advocate
for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

CRM-40033-2021

1. The application for early hearing is allowed.
2. The main case is preponed from 02.5.2022, and, is taken up on board for hearing today itself.

CRM-M-13030-2021

1. Through the instant petition, under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 129 dated 28.9.2019 registered at Police Station Sultanwind, Amritsar, constituting therein offences, under Sections 323, 325, 148, 149 IPC, and, also of all the consequent proceedings arising therefrom, hence on the basis of compromise dated 18.11.2020 (Annexure P-2), arrived at between the parties.

2. The learned State counsel submits, that the report under

Section 173 Cr.P.C., has been submitted before the learned Magistrate concerned but the charges have yet not been framed.

3. When the instant petition came up before this Court on 23.3.2021, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the compromise, as also whether any person(s) has/have been nominated as accused, and, as also whether any person has been declared proclaimed offender, and, that whether challan has been filed, besides that whether there is a cross case.

4. The afore made order by this Court on 23.3.2021, has been complied with by the learned Magistrate concerned, and, the elicited report has been placed on record. A perusal of the report, transmitted to this Court, by the learned Magistrate concerned, reveals that the settlement/compromise, arrived at *inter se* the petitioners, and, the respondent No. 2, is a sequel of both, being *ad idem* qua it, besides the compromise/settlement being a sequel of no pressure or coercion, being exercised upon each other. Therefore, the learned Magistrate has reported that the settlement/compromise, depended upon by the petitioners, for seeking quashing of the FIR (supra), is both voluntary, and, genuine.

5. Since, the offences carried in the FIR (supra), are compoundable, and, also when a valid compromise has been entered into, *inter se*, the accused petitioners, and, the respondent(s)-complainant, besides when the learned State Counsel has stated that the challan has been filed but the charges are yet to be framed. Therefore, this Court deems it fit to allow the petition.

6. Consequently, the present petition is allowed, and, the FIR

(supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SURESHWAR THAKUR)
JUDGE

December 02, 2021
Gurpreet

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