

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 16746 of 2021
Date of Decision: 16.12.2021**

Gurbir Singh Mundi and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. H.S.Sandhu, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. A.S.Sekhon, Advocate for respondent No. 2.

SURESHWAR THAKUR, J. (ORAL)

CRM-25022-2021

The present application has been filed for preponing the date of hearing of main case. For the reasons recorded in the application, the application is allowed. The main case is preponed, and, is taken up on board for hearing today.

CRM-M No. 16746 of 2021

1. Through the instant petition, filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 3 dated 5.2.2014 registered at Police Station NRI Moga, District Moga, constituting therein an offence, under Section 417 IPC, and, also of all the consequent proceedings arising therefrom, hence on the basis of compromise dated 10.3.2021 (Annexure P-4), arrived at between the parties.

2. When the instant petition came up before this Court on 23.4.2021, 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 with respect to the total number of accused involved in

the case, and, as also whether any person has been declared proclaimed offender.

4. The afore made order by this Court on 23.4.2021, 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. Though, a verdict of acquittal is pronounced by the learned Magistrate concerned, qua co-accused Sawarnjeet Kaur Mundi, yet it is stated at the bar by the learned counsel for the petitioners herein, that though, the aggrieved State of Punjab preferred an appeal, before the learned Appellate Court concerned, against the verdict of acquittal, pronounced by the learned Magistrate concerned, vis-a-vis one Swaranjit Kaur Mundi. However, he further states with authority, that the afore appeal filed by the State of Punjab, came to be subsequently withdrawn. Therefore, the factum of the purported guilt of co-accused petitioner No. 2, is completely erased. Insofar as co-accused petitioner No. 1 Gurbir Singh is concerned, though, he became declared a proclaimed offender, yet when the order declaring him a proclaimed offender, has been quashed, and, set aside, through this Court making a decision upon CRM-M-49283-2021.

Thereupon, the compromise as drawn amongst all concerned, is to be

revered with respect to both Swaranjeet Kaur Mundi, and, her son Gurbir Singh Mundi. Conspicuously also when the recourse to the mandate of Section 299 Cr.P.C. qua Gurbir Singh, becomes frustrated through the afore drawn compromise.

6. 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. Therefore, this Court deems it fit to allow the petition.

7. Consequently, the present petition is allowed, and, the FIR (supra), and, also all subsequent proceedings arising therefrom, are quashed qua the petitioners.

8. All the pending application(s), if any, also stand(s) disposed of.

(SURESHWAR THAKUR)
JUDGE

December 16, 2021
Gurpreet

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