

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 124

CRM-M-15928-2019

Date of decision : 02.09.2021

Amit Mavi and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr.J.S.Ghumman, DAG, Punjab.

Mr.G.S.Sandhu, Advocate, for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.95 dated 23.03.2018 registered under Sections 420 and 120B IPC at Police Station Sultanpur Lodhi, District Kapurthala, Punjab on the basis of a compromise entered into between the parties.

On 05.09.2019 this Court had directed the parties to appear before the Trial Court/Illaq Magistrate within 30 days to get recorded their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the number of persons arrayed as accused in FIR; whether any accused is proclaimed offender; whether the compromise is genuine, voluntary and without any coercion or undue influence; whether the accused persons are involved in any other FIR or not. The Trial Court was further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

As directed, report dated 16.12.2019 from the Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has been received, as per which three persons namely Amit Mavi, Gaurav Mavi (both petitioners) and Ankush Kansal have been arrayed as accused in the present FIR; none of the accused have been declared as proclaimed offenders nor any proceedings for declaring them proclaimed offender are pending in any Court; the compromise is genuine, voluntary and not the result of any threat, pressure or coercion etc.; accused persons are not involved in any other FIR; only one person namely Harbhajan Singh Bhullar is the victim/complainant in the present FIR.

Learned State counsel has also raised no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which offences are compoundable and the matter having been compromised, would be an abuse of the process of law and in terms of the law laid down by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.95 dated 23.03.2018 registered under Sections 420 and 120B IPC at Police Station Sultanpur Lodhi, District Kapurthala, Punjab and all proceedings arising therefrom, qua the petitioners.

02.09.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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