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

CRM-M-21926-2019

Date of decision: 26.11.2021

SARABJIT KAUR AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Randeep Singh, Advocate for
Mr. Harbhajan Singh Hayer, Advocate for respondent No.2.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioners, by way of filing the present petition under Section 482 Cr.P.C., are seeking quashing of FIR No. 10 of 21.01.2011 (Annexure P-1), constituting therein offences under Sections 420, 120-B of IPC, registered at Police Station Kahnuwan, District Gurdaspur, and, also of all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2) arrived at between the parties.

2. When the instant petition came up before this Court, on 27.02.2020, an order was made upon the learned Magistrate concerned, to make a report to this Court, with respect to the genuineness of the afore compromise (P-2), and, also in respect of antecedental criminal activity of the accused, and, besides with regard to the total number of accused involved in the case, and, his/their status of being proclaimed offender/ person. The afore order, makes it apparent that the petitioners, had

depended, upon, a compromise/settlement, arrived at, in respect of the FIR (supra) with the complainant-respondent.

3. The afore made order by this Court on 27.02.2020, 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, complainant-respondent(s), 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, also free from vices of duress, and, or of compulsion, being exercised upon each other, besides is genuine.

4. 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 though the challan has been filed before the learned Magistrate concerned, but the charge has yet not been framed. Therefore, this Court deems it fit to allow the petition.

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

26.11.2021

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-
Whether reportable:

Yes/No
Yes/No